

**AN ORDINANCE OF THE BOROUGH OF MEDFORD LAKES
REGULATING THE HOUSING OF ANIMALS IN THE BOROUGH**

WHEREAS, the Borough Council of the Borough of Medford Lakes, wishes to repeal all of its Animal Ordinances and desires to consolidate all regulation of animals into one comprehensive Ordinance in order to provide for the protection of the health, safety and welfare of the residents of the municipality and to control how such animals are permitted within the municipality.

BE IT ORDAINED by the Borough Council of the BOROUGH OF MEDFORD LAKES that:

SECTION 1 - REPEAL.

The BOROUGH OF **MEDFORD LAKES** hereby repeals the following Ordinance regarding animals, as follows: Ordinance No's. 10, 11, 22, 68, 79, 100, 124, 167, 282, and 287

SECTION 2 - DEFINITIONS.

As used in this Ordinance, the following terms shall have the meanings indicated:

ANIMAL

Class I: An animal of Class I includes any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition and which because of its size, vicious nature or other characteristics would not constitute an animal that should be permitted in a residential community. An example of these type animals shall include, but not be limited to, the following:

Poisonous animals, constrictor snakes, apes, chimpanzees, monkeys, gorillas, orangutans, baboons, bears, bison, gibbons, crocodiles, alligators, wolves, coyotes, hyenas, deer, elephants, giraffes, game cocks and other fighting birds, jaguars, leopards, lions, lynx, tigers, cheetahs, rhinoceroses, hippopotamuses, sharks, raccoons, opossums, muskrats, ferrets, lizards and other similar type animals.

Class II: An animal of Class II is any animal that is typically found in a farm setting. They include but are not limited to horses or any other animal belonging to the equine family, a cow, sheep, pig, goat or any other animal commonly referred to as livestock. Fowl such as any feathered vertebrate animal including, but not limited to, chickens, turkeys, ducks, hens, cocks, pheasants, pigeons or any other animal commonly referred to as barnyard fowl.

Class III: An animal of Class III is a domesticated animal which would include, but not necessarily be limited to, a domesticated dog of the canine family six months of age or older, but not those members of the canine family living in a wild state; a domesticated cat of the feline family six months of age or older, but not those members of the feline family usually living in a wild state; a bird which is housed within a living or dwelling unit such as a canary, parrot or other similar type bird considered to be domesticated for keeping as a pet, guinea pigs, rabbits, fish and other pet store animals not otherwise prohibited.

ANIMAL CONTROL AUTHORITY Any person or agency designated or certified by the State of New Jersey to enforce the provisions of this article

DOG RUNNING AT LARGE Any Class III dog not led by a chain, cord, or other leash in the hands of a person capable of leading and controlling such dog when off their premises

CAT RUNNING AT LARGE Any Class III cat that is on property upon which such cat is not expressly permitted

CATTERY Any establishment whereon the business of boarding or breeding of cats for sale is maintained

KENNEL Any establishment that meets the definition as set forth in N.J.S.A. 4:19-15.8, wherein and whereon the business of boarding or breeding dogs for sale is maintained

LICENSING AUTHORITY The agency or department of the Borough of Medford Lakes or any designated representative thereof authorized to administer the issuance and/or revocation of licenses under this Ordinance

NEUTERED Rendered permanently incapable of reproduction as certified by a licensed veterinarian

OWNER Person or persons, partnership, or corporation who owns, controls, cares for, or maintains directly or indirectly a Class III animal or property where someone is harboring, keeping, owning or having any right of property to an animal within the Borough of Medford Lakes.

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

POUND An establishment for the confinement of dogs and cats seized either under the provisions of this Chapter or otherwise.

PUBLIC NUISANCE A Class III dog or cat that trespasses upon or damages either public or private property or annoys or harms lawful users or occupants thereof

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

STRAY ANIMAL A Class III dog or cat having no known owner or custodian or no known place of care and shelter

VICIOUS DOG As set forth in N.J.S.A 4:19-36

SECTION 3 - CLASS I AND II ANIMALS PROHIBITED:

The keeping or housing of Class I or II animals within the Borough of Medford Lakes is prohibited, except for the keeping of such animals in a pet shop or store.

SECTION 4 - LICENSE REQUIRED FOR ANIMALS OF CERTAIN AGE.

A. It shall be unlawful for any person to own, as defined, a Class III dog or cat in the Borough of Medford Lakes without having obtained a license for it in compliance with provisions set forth in this Ordinance.

B. A license shall be required for any Class III dog or cat which has attained the age of six (6) months or which possesses a set of permanent teeth.

SECTION 5 - ANIMAL LICENSING OFFICIAL

An official shall be designated by the Borough Council as the Animal Licensing Official for the purpose of issuing licenses and maintaining records of registration of Class III dogs and cats and any other animal that may require licensing in the future within the Borough.

SECTION 6 - OBTAINING LICENSE AND REGISTRATION TAG.

A. Any person who owns a Class III dog or cat that has reached licensing age shall annually, in the month of January, obtain a license and an official registration tag for each Class III dog or cat.

B. The owner of a newly acquired Class III dog or cat of licensing age or of any Class III dog or cat which attains licensing age shall make application for the license and registration tag for such Class III dog or cat within then (10) days after such acquisition or age attainment.

C. Any person who brings or causes to be brought into the Borough any Class III dog or cat licensed in another jurisdiction for the current year and being of registration age for such Class III dog or cat who shall keep the same or permit the Class III dog or cat to be kept within the Borough for a period of more than sixty (60) days, shall immediately, upon the conclusion of said sixty-day period, apply for a license and registration tag for such Class III dog or cat.

D. Any person bringing or causing to be brought into the Borough any unlicensed Class III dog or cat of licensing age and who shall permit the Class III dog or cat to remain in the Borough for a period of more than thirty (30) days shall immediately apply for a license and registration tag for such Class III dog or cat upon conclusion of said thirty-day period.

SECTION 7 - PERSONAL ASSISTANT DOGS.

Dogs used to assist the handicapped shall be licensed and registered as other dogs, as provided in this Chapter, except that the owner, as defined herein, shall not be required to pay any fee therefore.

SECTION 8 - APPLICATION FOR LICENSE: RABIES VACCINATION.

The application shall state the breed, sex, age, color, name and markings of the Class III dog or cat for which license and registration are sought and whether it is a long or short-haired variety and also the name, street, post office address of the owner and the person who shall be harboring such Class III dog or cat. Proof of a rabies vaccination current through the tenth (10th) month of the licensing year is required before a license can be issued.

SECTION 9 - LICENSE FEE: LATE PENALTY.

The fee for issuance of a Class III dog or cat license and each renewal thereof shall be set by the Borough. Application made after January 31 will be subject to a late penalty fee.

SECTION 10 - IDENTIFICATION TAGS.

A. The Animal Licensing Official shall, upon issuing the license as herein provided, at the same time issue to the applicant an identification tag.

B. Said identification tag shall have printed or stamped "Licensed Borough of Medford Lakes", the current year and a distinctive different number for each Class III dog or cat. A record of each such number and the accompanying license shall be maintained by the Animal Licensing Official, particularly for identifying lost, strayed or impounded animals.

C. Upon satisfactory proof to the Animal Licensing Official that a license tag has been lost, worn or damaged beyond further use or cannot be found, the Animal Licensing Official shall issue to the same applicant, upon payment of a fee as provided for in this Ordinance, a new tag, but of

a new and different number, and notation of the transaction shall also be made on the office file for the number originally issued.

SECTION 11 - DOG KENNELS AND CATTERIES.

Dog kennels and catteries may not be located in the Borough.

SECTION 12 - APPOINTMENT OF ENFORCEMENT OFFICER.

A. The Borough shall have the power to appoint an Animal Control Officer, whose duties it shall be to enforce the provisions of this Ordinance.

B. The Borough Council shall have the power to contract with an Animal Control Officer who shall impound animals running at large in violation of law.

C. Nothing contained in this section shall be construed as limiting the authority of the appropriately designated representatives of the Borough to enforce the provisions of this Ordinance when, in the interest of health and safety, they deem it necessary. Nothing contained herein limits any person from signing a complaint pursuant to this Ordinance

SECTION 13 - ANNUAL ANIMAL CANVASS: REPORT.

The Police, the appointed Animal Licensing Official or such person designated by the Borough shall cause a canvass to be made of all Class III dogs and cats owned, kept or harbored within the limits of the Borough and shall, on or before September 1 of each year, make reports to the Borough Clerk, and the State Department of Health of the result thereof, setting forth the information as required by the State of New Jersey

SECTION 14 - SEIZURE AND IMPOUNDMENT.

The Police, the Animal Control Officer, or any other person authorized or employed by the Borough for that purpose shall take into custody and impound or cause to be taken into custody and impounded the following:

A. Any licensed Class III dog or cat repeatedly off the premises of the owner or of the person(s) keeping or harboring any Class III dog or cat which said official(s) or agent(s) thereof has reason to believe is a stray.

B. 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.

C. Any dog or cat repeatedly running at large.

SECTION 15 - IMPOUNDMENT FEE.

A fee, as authorized by this Ordinance is hereby established for the impoundment of a Class III dog or cat which shall be paid to the appropriate authority by the owner upon redemption of said Class III dog or cat. Owner is also responsible for any other costs incurred by the Borough for the impoundment of a Class III dog or cat

SECTION 16- GROUNDS FOR DESTRUCTION OF ANIMAL.

A. If any Class III dog or cat seized, as provided in this Ordinance, wears a collar or harness having inscribed thereto the name and address of any person or a registration tag or if the owner or the person keeping or harboring said dog or cat is otherwise known, the Police or Animal Control Officer shall forthwith serve or cause to be served on the person whose address is given on the collar or on the person keeping or harboring said Class III dog or cat, if known, a notice, in writing, stating

that the Class III dog or cat 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.

B. The notice referred to in this section may be served either by delivering it to the person on whom it is to be served, 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 Class III dog or cat seized in accordance with this Ordinance, 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 notice has not been and cannot be given as set forth above, and if the owner or person keeping or harboring said Class III dog or cat has not claimed said Class III dog or cat and paid all expenses incurred by reason of its detention, including maintenance, not exceeding the daily rate charged by the Animal Control Officer or other authorized person by the Borough in accordance with the terms of the contract and resolution relating to the keeping and holding of dogs or cats entered into by the Borough for the year within which said Class III dog or cat is impounded, and if the Class III dog or cat is unlicensed at the time of the seizure and the owner or person keeping or harboring said Class III dog or cat has not produced a license and registration tag for said Class III dog or cat, the Police or any person authorized by the Borough may cause the Class III dog or cat to be destroyed in a manner recommended by the American Veterinarian Medical Association.

SECTION 17— ENTRY UPON GROUNDS FOR SEIZURE.

Any person or agent authorized to or empowered to perform any duty under this Ordinance is hereby authorized to enter upon any grounds excluding the residential dwelling to seize for impounding any dog(s) or cat(s) which may be lawfully seized and impounded when in the immediate pursuit of such dog(s) or cat(s), except upon the grounds of the owner of a Class III dog or cat if said owner is present and forbids the same.

SECTION 18—INTERFERENCE WITH OFFICIAL ACTION.

No person shall hinder, interfere or deter anyone authorized or empowered to perform any duty under this Ordinance.

**SECTION 19- COMPLIANCE REQUIRED: RESTRICTION ON
NUMBER OF ANIMALS KEPT: EXCEPTIONS.**

A. No person shall keep or harbor any Class III dog or cat in the Borough except in compliance with the provisions of this Ordinance.

B. No more than a total of seven (7) Class III dogs or cats of licensing age or any combination thereof shall be kept, maintained or harbored at one (1) time, for any length of time, in any residential housing unit or on its grounds or in any business establishment or on its grounds excluding pet shops. No more than ten (10) Class III animals other than dogs or cats, in any combination, shall be kept, maintained or harbored at one (1) time, for any length of time, in any residential housing unit or on its grounds or in any business establishment or on its grounds excluding pet shops. Aquarium and pond fish are exempted from the provisions of this section.

SECTION 20— RESPONSIBILITY OF OWNER: DECLARATION OF NUISANCE.

A. No person owning or having the care, custody or control of any Class III dog or cat shall suffer or permit such Class III dog or cat to soil or defile or to commit any nuisance upon any sidewalk, street or thoroughfare or in or upon any public park, playground or other public place or the private property of persons other than the owner or person having the care, custody or control of such Class III dog or cat. Any person having care, custody or control over a Class III dog or cat that permitted the occurrence of any of the above must immediately remove and dispose in a sanitary manner any materials that soiled or defiled public or private property.

B. No person owning or having the care, custody or control of any Class III dog or cat shall suffer or permit such Class III dog or cat to;

(1) Soil or defile or do any injury or damage to any lawn, vegetable garden, shrubbery, trees, flowers, driveway, ground or any property of persons other than that of the owner of person having the care, custody of such Class III dog or cat.

(2) Cause any injury to any person.

(3) Cause frequent or long continued noise, which materially disturbs or is reasonably likely to materially disturb the quiet or repose of any person in the vicinity to an unreasonable extent considering the circumstances.

(4) Be or become a public nuisance or to create a condition reasonably likely to materially disturb the comfort, repose, health, peace or safety of others

C: No persons in the Borough shall be permitted to feed waterfowl, or stray dogs and cats, or create a condition or allow any condition to exist where the congregation of such animals is reasonably likely to materially disturb the comfort, repose, health, peace and safety of others

SECTION 21- DOGS AND CATS RUNNING AT LARGE.

No person owning, keeping, harboring or having care, custody or control of any Class III dog or cat shall suffer or permit it to run at large.

SECTION 22— CRUELTY TO ANIMALS

A. No person shall be cruel or inhumane to any animal found in the Borough. Beating, torturing, mutilating, or cruelly killing any animal is prohibited.

B Failing to provide food, drink or adequate and sanitary shelter for any Class III animal or abandoning any Class III animal of which a person has charge of, either as owner or otherwise is prohibited.

C. No person owning, keeping, harboring or having the care, custody or control of any Class III animal shall abandon such a maimed, sick, infirmed or disabled animal or creature to die.

**SECTION 23- DETERMINATION OF CAT AS VICIOUS:
NOTICE TO OWNER: COMPLIANCE REQUIRED.**

A. Any cat which has attacked or bitten a human being or which repeatedly attacks other cats or domestic animals is hereby presumed to be a vicious cat for the purpose of this section until a further determination of the facts is made, as hereinafter provided.

B. It shall be the duty of the Police Department, the appointed Animal Control Officer or any person authorized by the governing body of the Borough to receive and investigate complaints against cats, and when any cat complained against shall be deemed by the proper authorities to be a vicious cat, as herein defined, said officer shall file a complaint in the Municipal Court of the Borough, which court shall thereupon cause the owner or person harboring such cat to be notified, in writing, of the complaint and to appear before said Municipal Court Judge at a stated time and place. Pending the disposition of said complaints, the Police or such other authorized persons may order the cat to be muzzled or leashed while being walked and to be confined at all other times.

C. The Municipal Court Judge, at the time set for such hearing, shall inquire into the facts and give all interested persons an opportunity to be heard under oath and to be represented by counsel, and the Municipal Court Judge shall decide in accordance with such evidence before him. If the Municipal Court Judge shall decide that such cat complained of is a vicious cat, as defined by this section, notice of such decision shall be given to the owner or person harboring such cat.

D. No cat which has been so determined to be a vicious cat shall be permitted to run at large or to be upon any street or public place in the Borough except while securely muzzled and under leash, and the owner or person harboring any such vicious cat, who shall suffer or permit such cat to be upon any street, public place or private property in the Borough, other than the property of the owner or person harboring such cat, while not securely muzzled and under leash, shall be guilty of a violation of this Ordinance.

SECTION 24— VICIOUS DOGS.

A. The State of New Jersey has enacted an act concerning certain dogs, supplementing Chapter 19 of Title 4 of the Revised Statutes entitled “Laws of 1989”, Chapter 307, approved on January 12, 1990, known as N.J.S.A. 4:19-36. Said law sets forth that said act supersedes any local ordinance, and said act shall be enforced within the Borough of Medford Lakes as set forth therein.

B. A fee shall be imposed in accordance with this Ordinance, herein for a license for any dog determined to be potentially dangerous as set forth in the statute referenced in Subsection A of this section.

SECTION 25- RABIES CONTROL.

A. No person shall own, harbor or keep any Class III dog or cat within the Borough which is not currently inoculated against rabies; provided, however, that Class III dogs or cats which have not attained the age of six (6) months shall not be required to be inoculated and further provided that any Class III dog or cat may be exempt from the requirements of such inoculation, for a specified period of time, by the appropriate authority upon the presentation of a certificate from a veterinarian stating that because of identity or other physical condition, the inoculation of such Class III dog or cat for said specified period of time shall be deemed inadvisable by said veterinarian.

B. Inoculations shall be made by a duly licensed veterinarian of the State of New Jersey, or such other permitted by law to make the same and approved by the Borough.

C. Whenever a Class III dog or cat or any other animal is infected with rabies or is suspected of being infected with rabies, or has been bitten by animal infected with rabies or suspected of being infected with rabies the person owning or having the care, custody or control of any such animal or any person having knowledge of suspicion of such infection shall notify the Borough Police or other proper authority at the given time, immediately. Any such report shall be reduced to writing at the request of the Borough of Medford Lakes.

D. If a Class III dog or cat or any other animal is known or believed to have rabies, or has been bitten by a Class III dog or cat or any other animal known or suspected of having rabies, the owner of such Class III dog or cat shall be notified in writing to have the Class III dog or cat confined for a period of not less than six (6) months, or such lesser period specified by the State Department of Health, and placed under the observation of a veterinarian, at the expense of the owner, for such period.

E. Any animal confined by the Borough shall not be released until a certificate of release has been issued.

F. Whenever it becomes necessary to safeguard the public from the danger of rabies, the appropriate Borough authority shall issue a proclamation ordering every person owning or keeping a Class III dog or cat or any other animal to confine it securely on his premises unless such Class III dog or cat shall have a muzzle and leash of sufficient strength to prevent the biting of any person.

G. Any such Class III dog or cat running at large during the time of the proclamation shall be seized and impounded unless noticeably infected with rabies.

If such animal, after impoundment, is noticeably infected with rabies, the animal shall be killed by the Animal Control Officer, or other authorized person, after a written diagnosis of infection by a veterinarian of the State of New Jersey or other authorized person.

H. All Class III dogs or cats or other animals so noticeably infected with rabies and displaying vicious propensities shall be killed by the Animal Control Officer or Police, or any other authorized person.

I. The Animal Control Officer or Police, or any other authorized person, shall promptly notify, in writing, the Borough and the owner, if known, of the killing and the reason for the killing of any Class III dog or cat or any other animal in accordance with the provisions of this section.

SECTION 26-ISSUANCE OF COMPLAINT: COURT ORDER.

A. The owner of any Class III dog or cat or any other animal that shall have bitten, scratched or caused injury to any person, or shall have otherwise violated the provisions of this section shall be issued a complaint in violation under this section, and it shall be deemed a separate violation for each animal and each incident and shall not be considered as the same offense for any other section herein.

B. Upon the evidence presented and after an examination by a licensed veterinarian, if the Municipal Court Judge or other Judge authorized by law shall deem it necessary for the safety of the public, he may order the Class III dog or cat or other animal destroyed or muzzled and/or confined, and he may impose a penalty as set forth in the Ordinance. However, upon a conviction of a third offense, the Class III dog or cat or other animal must be destroyed.

SECTION 27— VIOLATIONS AND PENALTIES.

Unless otherwise provided, any person who violates any provision of this Ordinance shall, upon conviction thereof, be subject to a fine of not more than One Thousand Dollars (\$1,000.00), community service not to exceed ten (10) days or imprisonment for not more than ninety (90) days, or any combination thereof.

Adopted: