

CHAPTER VIII

LICENSING OF DOGS*

8-1 Definitions.

As used in this chapter:

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

"Dog of licensing age" shall mean any dog which has attained the age of seven months or which possesses a set of permanent teeth.

"Kennel" shall mean any establishment except a pet shop wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on.

"Pet shop" shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

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

"Shelter" shall mean any establishment where dogs are received, housed and distributed without charge.

"Owner" when applied to the proprietorship of a dog shall mean and include any person having a right of property in such dog and any person who has such dog in his keeping.

8-2 License.

8-2.1 *Required.* No person shall keep or harbor any dog within the borough without first obtaining a license therefor, which license shall be issued by the borough clerk upon application by the owner and payment of the prescribed fee. No person shall keep or harbor any dog in the borough except in compliance with the provisions of this chapter.

8-2.2 *Issuance of License by Clerk.* Any person who owns, keeps or harbors a dog of licensing age shall annually, in the month of January, apply for and procure from the borough clerk a license and official metal registration tag for each dog owned, kept or harbored, and shall place upon each dog a collar or harness with the registration tag securely fastened thereto.

*Relevant statutory provisions are found in R.S. 4:19-15.1, *et seq.*

8-2.3 License Fee, Term. The following fees shall be charged for the licensing and registration of dogs: six dollars and eighty (\$6.80) cents for a non-vicious dog license or seven hundred (\$700.00) dollars for a potentially vicious dog license; together with one (\$1.00) dollar for the registration tag for each dog to be registered, and twenty (\$.20) cents for the New Jersey Pilot Clinic Fund. In the event the dog to be registered has not been spayed or neutered as evidenced by a veterinarian's certification, there shall be an additional surcharge of three (\$3.00) dollars for the licensing of said dog. Registrations shall be for a one-year period, expiring on January 31 of the year following their issuance. The annual renewal fee for the license and registration tag shall be the same as for the original one-year license and tag as set forth herein.

8-2.3A Violation; Penalty. The owner of any dog who fails to renew its license before the January 31 expiration date shall be subject to a five (\$5.00) dollar late fee.

8-2.4 Application for License; When Made.

a. Newly Acquired Dogs and Dogs Attaining Licensing Age. The owner of any newly acquired dog of licensing age, or of any dog which attains licensing age, shall make application for a license and registration tag for such dog within ten days after the dog's acquisition or age attainment.

b. Dogs Licensed in Other States. Any person who brings or causes to be brought into the borough a dog licensed in and bearing a registration tag from another state for the current year, and who keeps the dog or permits it to be kept within the borough for a period of more than 90 days shall immediately apply for a license and registration tag for such dog, unless it is under section 8-3 of this chapter.

8-2.5 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.

8-3 Kennels; Pet Shops; Shelters; Pounds.

8-3.1 License Required. Any person who keeps, operates or proposes to establish a kennel, pet shop, shelter, or pound shall apply to the borough clerk for a license entitling him to keep or operate such

establishment, which application shall be accompanied by the written approval of the board of health of the borough showing compliance with local and state rules and regulations governing location of and sanitation at such establishments.

All licenses shall expire on January 31 of each year and shall be subject to revocation by the borough council on recommendations of the State Department of Health or the board of health of the borough for failure to comply with the rules and regulations governing the same, and after the owner has been afforded a hearing by either the State Department of Health or the board of health of the borough.

Any licensee under this section shall not be required to secure individual licenses for dogs owned by him and kept at such establishments. A license hereunder shall not be transferable to another premises.

8-3.2 Fees. The annual license fee for a kennel providing accommodations for ten or less dogs shall be ten (\$10.00) dollars; for more than ten dogs, twenty-five (\$25.00) dollars. The annual fee for a pet shop shall be ten (\$10.00) dollars. No fee shall be charged for a shelter or pound.

8-4 Safe Control of Dog.

No dog, either licensed or unlicensed, shall be permitted to run at large or to trespass on any property, and no such dog shall be permitted off any premises except on a stout leash or in a crate and under safe control. For the purpose of this section, premises shall include kennel, pet shop, shelter, pound, residence, or any other place where dogs are or shall be kept.

8-5 Vicious Dogs.

It shall be unlawful for any person to keep or harbor within the borough any dog which is known to be vicious or which has evidenced a disposition to attack human beings, unless the dog is securely confined within a building, muzzled and securely confined within an area completely surrounded by a secure fence five feet in height, or muzzled, leashed and attended by a person capable of controlling the dog.

8-6 Responsibilities and Liability of Owner.

8-6.1 Dogs Bites; Barking Dogs. The owner of a dog which bites a person while such person is on or in a public place, or lawfully on or in a private place, including the property of the owner of the dog, shall be

8-6 BOROUGH OF LITTLE SILVER ORDINANCES

liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness. The owner of a dog shall be responsible for any damage caused by the destruction or wounding of sheep, lambs, domestic animals or poultry, except dogs and cats, committed by the dog.

No person shall keep, harbor or maintain any dog which barks, howls or cries continuously for ten minutes or intermittently for 30 minutes so that same unreasonably interferes with the enjoyment of life or property of persons residing in the vicinity. The provisions of this section shall apply to all private or public facilities, including any animal pounds, kennels, and pet shops, where a dog is held for any reason.

8-6.2 *Violation; Penalty.* The owner of any dog which injures any person or other domestic animals or which damages property while on any property not owned or leased by the dog owner, whether the injury be by biting, jumping, clawing, running or in any other manner, shall be subject to a fine of at least fifty (\$50.00) dollars but no more than five hundred (\$500.00) dollars for a first offense. The second offense shall subject the dog owner to a minimum fine of at least one hundred (\$100.00) dollars and each subsequent violation shall increase the minimum fine by fifty (\$50.00) dollars, the maximum fine shall be five hundred (\$500.00) dollars. Imprisonment for a period of up to 90 days may also be imposed for any such first or subsequent violation.

8-6.3 *Soil, Defile, Commit Nuisance upon Public Property.* No person owning or having the care, custody or control of any dog shall permit such dog to soil or defile or to commit any nuisance upon any sidewalk, street or thoroughfare, in or upon any public property, or in or upon the property of persons other than the owner or person having the care, custody and control of such dog.

8-6.4 *Soil or Damage Lawns, Shrubs, Etc.* No person owning or having the care, custody or control of any dog shall suffer or permit it to soil or defile or do any injury or damage to any lawn, shrubbery, flowers, grounds, trees or any property of persons other than the owner or person having the care, custody or control of such dog.

8-7 Annual Canvass.

During January of each year, the police department shall cause a canvass to be made of all dogs owned, kept or harbored within the limits of the borough and shall report to the borough clerk, the board of health and the State Department of Health the results thereof, setting forth in separate columns the names and addresses of persons owning, keeping, or harboring dogs, the number of licensed dogs owned, kept, or harbored by each of the persons, together with the registration numbers of each of the dogs, and the number of unlicensed dogs owned, kept or harbored by each of the persons, together with a complete description of each unlicensed dog.

8-8 Impounding of Dogs.

8-8.1 *Dog Catchers.* The chief of police or any person appointed for

that purpose by the mayor and council shall take into custody and impound and thereafter destroy or dispose of:

a. Any dog off the premises of the owner or the person keeping or harboring the dog, which the official or his agent has reason to believe is a stray dog.

b. Any dog off the premises of the owner or the person keeping or harboring the dog without a current registration tag on his collar.

c. Any female dog in season off the premises of the owner or the person harboring or keeping the dog.

d. Any dog off the premises of the person owning or harboring the same not secured as required by subsection 8-4.

8-8.2 Notice of Seizure. 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 the owner is known, the chief of police or any person authorized by him shall serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring the dog, if known, a notice in writing, stating that the dog has been seized and will be liable to be disposed of if not claimed within seven days after the service of the notice.

8-8.3 Service of Notice. A notice under this section may be served either by delivering it to the person to 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 either address.

8-8.4 Redemption Fees; Destruction of Dog. When any dog so seized has been detained for seven days after notice, when notice can be given or has been detained for seven days after seizure, when no notice has been given, and if the owner or person keeping or harboring the dog has not claimed the dog and paid all expenses incurred by reason of its detention, including maintenance not exceeding two (\$2.00) dollars per day, and if the dog is unlicensed at the time of the seizure and the owner or person keeping or harboring the dog has not produced a license and registration tag for the dog, the chief of police or any person authorized by him may cause the dog to be destroyed in as humane a manner as possible.

8-8.5 *Enforcement; Interference Prohibited.* Any officer or agent authorized or empowered to perform any duty under this chapter is hereby authorized to go upon any premises to seize for impounding any dog which he may lawfully seize and impound when the officer is in immediate pursuit of such dog except upon the premises of the owner of the dog if the owner is present and forbids the same.

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