

ORDINANCE 2022-09

BOROUGH OF HIGHTSTOWN

COUNTY OF MERCER

STATE OF NEW JERSEY

AN ORDINANCE AMENDING AND SUPPLEMENTING THE “REVISED GENERAL ORDINANCES OF THE BOROUGH OF HIGHTSTOWN, NEW JERSEY,” IN ORDER TO REPEAL THE EXISTING PROVISIONS OF ARTICLES 5-1 AND 5-2 (CONCERNING “DOGS” AND “CATS,” RESPECTIVELY) OF CHAPTER 5, ENTITLED “ANIMAL CONTROL,” AND ESTABLISH NEW ARTICLES THEREOF CONCERNING “ANIMAL CONTROL”.

WHEREAS, the Borough of Hightstown (the “Borough”) previously established Chapter 5, entitled “Animal Control,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey” (also referenced as the “Borough Code”); and

WHEREAS, the Mayor and Borough Council wish to repeal the existing provisions contained within Articles 5-1 and 5-2 (concerning “Dogs” and “Cats,” respectively) of the Borough Code, and to establish new Articles 5-1, 5-2 and 5-3 thereof, also relating to “Animal Control,” in accordance with the provisions set forth herein.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

Section 1. That the existing provisions contained within Article 5-1, entitled “Dogs,” and Article 5-2, entitled “Cats,” of Chapter 5, entitled “Animal Control,” of the “Revised General Ordinances of the Borough of Hightstown, New Jersey,” are hereby repealed in their entirety.

Section 2. That the following new Articles shall hereby be established as set forth in the within Ordinance, to read as follows:

Chapter 5. Animal Control

Article 5-1. Regulating and Licensing of Dogs

§ 5-1-1. Definitions.

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

DOG

Any member of the canine species, male, female or altered.

DOG OF LICENSING AGE

Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

ELECTRONIC FENCE

A fence which is designed to contain dogs within its boundaries by using a hidden electronic signal intended to contain the dog within the electronic boundaries of the fence.

KEEPER

Any person exercising control over a dog or permitting a dog to remain on premises under his control.

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, includes every person having a right of property in such dog and every person who has such dog in his keeping.

PET SHOP

Any place of business which is not part of a kennel, wherein animals, including, but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

POTENTIALLY DANGEROUS DOG

Any dog or dog hybrid which has been declared by a Municipal Judge to be potentially dangerous.

POUND

An establishment for the confinement of dogs seized either under the provisions of this article or otherwise.

SHELTER

Any establishment where dogs are received, housed and distributed.

VICIOUS DOG

Any dog which has attacked or bitten any human being or has caused any person to be fearful for his own safety by chasing, or which has habitually attacked other dogs or

domestic animals. Any dog or dog hybrid which has been declared by a Municipal Judge to be a vicious dog.

§ 5-1-2. Licensing; fees.

- A. License, when required. Licenses shall be required for the following dogs of licensing age:
- (1) Any dog owned or kept within the Borough by a resident of the Borough on the first day of January of any calendar year.
 - (2) Any dog acquired by any person during the course of any calendar year and kept within the Borough for more than 30 days after acquisition.
 - (3) Any dog attaining licensing age during the course of the calendar year.
 - (4) Any unlicensed dog brought into the Borough by any person and kept within the Borough for more than 30 days.
 - (5) Any dog licensed by another state brought into the Borough by any person and kept within the Borough for more than 90 days.
- B. Application for license.
- (1) Each application for a license under this article shall give the following information:
 - (a) A general description of the dog sought to be licensed, including breed, sex, age, color and markings, and whether such dog is of a long- or short-haired variety.
 - (b) The name, street and post office address of the owner of, and the person who shall keep or harbor, such dog.
 - (c) Proof of the dog's inoculation against rabies. The proof of inoculation against rabies must be valid through October 31st of the licensing year.
 - (2) Registration numbers shall be issued in the order in which applications are received.
- C. Application for annual license, when made. Applications for licenses for dogs which are required to be licensed by the provisions of Subsection **A(1)** shall be made before January 31 of each calendar year. In all other cases, the application for a license shall be made within 30 days of the day upon which the dog in question first becomes subject to the provisions of this section.

- D. License record. The information on all applications under this article and the registration number issued to each licensed dog shall be preserved for a period of three years by the Board of Health. In addition, it shall forward similar information to the State Department of Health each month on forms furnished by the Department.
- E. Fees. The person applying for a license shall pay a fee of \$10.80 for each dog, shall also pay \$1.20 for the registration tag (Pilot Clinic Fee) for each dog, and an additional fee of \$3 for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization. Any dog owner claiming to be exempt from the payment of the additional fee of \$3 shall provide a copy of a veterinarian's certificate, or a notarized statement by the owner, of the animal's neutering. The fees of \$1.20 and additional fee of \$3, when collected, shall be forwarded to the State Treasurer as provided by law. The same fee shall be charged for the annual renewal of each license and registration tag. If application shall not be made within the time limit set forth herein above, there shall also be a late charge per license, as follows. If application is made:
- (1) During February: \$5.
 - (2) During March: \$10.
 - (3) After March 31st: \$15.
- F. Expiration date. Each dog license and registration tag shall expire on December 31 of the calendar year in which it was issued.
- G. Exceptions.
- (1) The provisions of this section shall not apply to any dog licensed under § 5-1-3. of this article. Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs shall be licensed in the same manner as other dogs, except that the owner or keeper shall not be required to pay any fee.
 - (2) Any valid license issued by another New Jersey municipality for the current year shall be accepted as evidence of compliance and no Hightstown Borough license must be issued.
- H. Loss of license. If a license tag has been misplaced or lost, the licensing official may issue a duplicate license for that particular dog at a fee of \$1.
- I. Limitation on Number of Dogs. No more than two dogs of licensing age shall be owned by or kept by any one family group. "Family Group", as used herein, shall mean all persons occupying one dwelling unit.

§ 5-1-3. Pet shops; fees.

- A. License required. Any person who keeps or operates or proposes to establish a pet shop, shall apply to the Board of Health 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 establishments; such licenses shall not be transferable to another owner or different premises.
- B. Application information. The application shall contain the following information:
 - (1) The name and permanent and local address of the applicant.
 - (2) The street address where the establishment is located or proposed to be located, together with a general description of the premises.
 - (3) The purposes for which it is to be maintained.
 - (3) The maximum number of dogs to be accommodated by such establishment at any one time.
- C. 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 local and state rules governing the location of and sanitation at such establishment.
- D. License term. All licenses issued for a pet shop shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of December of each year.
- E. License fees. The annual license fees for pet shop licenses shall be \$50.
- F. Compliance with state regulations.
 - (1) All licenses issued for a pet shop shall be subject to revocation by the Borough Council on recommendation of the State Department of Health or the Board of Health for failure to comply with the rules and regulations of the State Department of Health or the Board of Health, after the owner has been afforded a hearing by either the State Department of Health or the Board of Health.
 - (2) Any person holding a license to establish, keep or operate pet shop 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 pet shops, the

preservation of sanitation therein, and the prevention of the spread of rabies and other diseases of dogs within and from such establishments.

- G. Reports to State Health Department. The Board of Health shall forward to the State Department of Health a list of all pet shops licensed within 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.
- H. Control of dogs off premises. No dog kept in a pet shop shall be permitted off such premises, except on a leash or in a crate or other safe control.
- I. Plan Review Required. Any person proposing to locate and operate a new pet shop after July 1, 2022, shall submit a plan review application to the Board of Health for approval.
- J. Plan Review Fee. The Board of Health plan review fee for a pet shop shall be \$425.

§ 5-1-4. Disposition of fees.

- A. License fees and other moneys collected or received under the provisions of this article, except the registration tag fees, shall be forwarded to the Borough Finance Department within 30 days after collection or receipt and shall be placed in a special account separate from any of the other accounts of the Borough and shall be used for the following purposes only: collecting, keeping and disposing of dogs liable to seizure under this article; local prevention and control of rabies; providing anti rabies treatment under the direction of the local Board of Health for any person known or suspected to have been exposed to rabies; all other purposes prescribed by the statutes of New Jersey governing the subject; and for administering the provisions of this article. 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 section. 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 Borough any amount then in such account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.
- B. The registration tag fee for each dog shall be forwarded within 30 days after collection by the Borough Clerk to the State Department of Health.

§ 5-1-5. Canvass.

Any person appointed for the purpose by the governing body of the municipality, shall, at the direction of the governing body, cause a canvass to be made of all dogs owned, kept or harbored within the limits of their respective municipalities and shall report, on or before September 1 of the year in which the census is taken, to the clerk or other person designated to license dogs in

the municipality and to the local board of health, and to the State Department 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.

§ 5-1-6. Vicious dogs; potentially dangerous dogs; rabies.

A. Complaints and investigation. It shall be the duty of the Police Department and the Animal Control Officer to receive and investigate complaints against dogs. If they reasonably believe any dog complained of to have rabies or to be a vicious dog, or potentially dangerous dog, as defined in § 5-1-1, they shall report their findings in writing to a Municipal Judge.

(1) The Animal Control Officer shall notify the Municipal Judge and the Municipal Health Officer immediately that he/she has seized and impounded a dog pursuant to this article, or that he/she has reasonable cause to believe that a dog has killed another domestic animal and that a hearing is required. The Animal Control Officer shall through a reasonable effort attempt to determine the identity of the owner of any dog seized and impounded pursuant to this article. If its owner cannot be identified within seven days, that dog may be humanely destroyed.

(2) The Animal Control Officer shall, within three working days of the determination of the identity of the owner of a dog seized and impounded pursuant to this article, notify by certified mail, return receipt requested, the owner concerning the seizure and impoundment and that, if the owner wishes, a hearing will be held to determine whether the impounded dog is vicious or potentially dangerous. This notice shall also require that the owner return within seven days, by certified mail or hand delivery, a signed statement indicating whether he/she wishes the hearing to be conducted or, if not, to relinquish ownership of the dog, in which case the dog may be humanely destroyed. If the owner cannot be notified by certified mail, return receipt requested, or refuses to sign for the certified letter, or does not reply to the certified letter with a signed statement within seven days of receipt, the dog may be humanely destroyed.

B. Destruction of rabid dogs; notice.

(1) All dogs noticeably infected with rabies and displaying vicious propensities may be killed by the Animal Control Officer or other authorized persons, without notice to the owner. The owner shall be notified of such killing within three days as to the reason for the killing.

(2) If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and

shall be placed under the observation of a veterinarian at the expense of the Borough for a period of two weeks.

- (3) It shall be unlawful for any person knowing or suspecting that a dog has rabies to allow such dog to be taken off his premises or beyond the limits of the Borough without the written permission of the Animal Control Officer or any other authorized persons. Every owner, or other person, upon ascertaining a dog rabid, shall immediately notify the Animal Control Officer, a policeman or any other authorized persons, who shall either remove the dog to the pound or summarily destroy it.

§ 5-1-7. Impoundment and destruction of certain dogs; fees.

A. Causes for impounding. The Animal Control Officer shall take into custody and impound, or cause to be taken into custody and impounded, any of the following dogs:

- (1) Any unlicensed dog running at large in violation of the provisions of this article.
- (2) Any dog off the premises of the owner of or the person keeping or harboring such dog which the Animal Control Officer or his agent has reason to believe is a stray dog.
- (3) Any dog off the premises of the owner of or the person keeping or harboring such dog without a current registration tag on its collar.
- (4) Any female dog in season off the premises of the owner of or the person keeping or harboring such dog.
- (5) Any dog which has been determined to be a vicious dog or a potentially dangerous dog as provided in § **5-1-6**, provided that such dog may also be seized by any police officer, and provided further that, if such dog cannot be seized with safety, it may be killed.
- (6) Any dog or other animal which is suspected to be rabid.
- (7) Any dog or other animal off the premises of the owner reported or observed by the Animal Control Officer to be ill, injured or creating a threat to the public health, safety and welfare or otherwise interfering with the enjoyment of property.
- (8) Any dog or dog hybrid which the Animal Control Officer has reasonable cause to believe has attacked a person or caused death or serious bodily injury as defined in N.J.S.A. 2C:11-1(b) to that person; or has caused bodily injury as defined in N.J.S.A. 2C:11-1(a) to a person during an unprovoked attack and poses a serious threat of harm to persons or domestic animals; or has engaged in dog fighting activities as

described in N.J.S.A. 4:22-26; or has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.

(9) Any dog off the premises of the owner or of the person keeping or harboring the dog which is not controlled by a leash or chain as provided in this article.

B. Access to premises. Any officer or agent authorized or empowered to perform any duty under this article is hereby authorized to go upon any premises to seize for impounding any dog which he may lawfully seize and impound when such 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 it.

C. Authorized Enforcement Agents; Interference with Official Duties. This article may be enforced by any representative of the Code Enforcement Office of the Borough, any member of the Borough's Police Department, or the Animal Control Officer. No person shall hinder, molest, or interfere with anyone authorized or empowered to perform any duty under this article.

D. Notice of seizure.

(1) If any dog so impounded or seized wears a registration tag, collar or harness having inscribed thereon or attached thereto the name and address of any person, or if the owner of or the person keeping or harboring the dog is known, the Animal Control Officer shall immediately serve on the person whose address is given on the collar, or on the person owning, keeping or harboring 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 days after service of the notice.

(2) 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.

E. Disposition of unclaimed dogs. The Animal Control Officer or his authorized representative, including an authorized kennel, is empowered to cause the destruction, in as humane a manner as possible, of any dog or other animal seized by him or otherwise coming into his possession, under any of the following circumstances:

(1) When any dog or other animal has not been claimed by the person owning, keeping or harboring same within seven days after notice or within seven days of the animal's detention when notice cannot be given to the person owning, keeping or harboring the

dog or other animal in accordance with Subsection **D** and the administrative fee as provided in Subsection **F** has not been paid.

- (2) When any dog is unlicensed at the time it is seized or otherwise comes into the possession of the Animal Control Officer, and the person owning, keeping or harboring such dog has not produced a current license and registration tag as provided in this article.

F. Administrative & Impound Shelter Services fee. When a dog or other animal has been seized by or otherwise comes into the possession of the Animal Control Officer, there must be paid an administrative fee and an impound shelter services fee if the dog or other animal has been transported to the impound shelter, which is hereby established. The administrative and impound shelter services fee shall be payable to the Borough in the following manner:

- (1) The administrative fee for the return of a dog or other animal shall be \$60 per animal. The shelter services fee shall be \$75 if the animal is redeemed by its owner within 24 hours from entering the facility. If the animal is not redeemed by its owner within 24 hours, the shelter service fee shall be \$250 per animal.
- (2) If the dog or other animal is redeemed from the impounding shelter by the person owning, keeping, or harboring the animal, the Borough of Hightstown will mail, via certified mail, the resident a bill consisting of the administrative fee of \$60, plus the shelter service fee of either \$75 or \$250, depending on the animals' length of stay at the facility. This bill shall be payable within 15 days of the date of the certified mailing, or else the Borough Code Enforcement Officer will issue a summons for failure to pay the fee.

§ 5-1-8. Procedures for vicious or potentially dangerous dogs.

- A. Notice; hearing. The Municipal Judge shall notify in writing the owner or keeper of an allegedly vicious or potentially dangerous dog that a complaint has been made and require the person to appear before him at a stated time and place for a hearing.
- B. Findings to declare dog vicious; grounds.
 - (1) The Municipal Judge shall declare the dog vicious if it finds by clear and convincing evidence that the dog:
 - (a) Killed a person or caused serious bodily injury, as defined in N.J.S.A. 2C:11-1(b), to a person; or
 - (b) Has engaged in dog fighting activities as described in N.J.S.A. 4:22-24 and N.J.S.A. 4:22-26.

- (2) A dog shall not be declared vicious for inflicting death or serious bodily injury, as defined in N.J.S.A. 2C:11-1(b), upon a person if the dog was provoked. The municipality shall bear the burden of proof to demonstrate that the dog was not provoked.
- (3) If the Municipal Court declares a dog to be vicious, and no appeal is made of this ruling pursuant to N.J.S.A. 4:19-25, the dog shall be destroyed in a humane and expeditious manner, except that no dog may be destroyed during the pendency of an appeal.

§ 5-1-9. Finding to declare dog potentially dangerous.

A. The Municipal Judge shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog:

- (1) Caused bodily injury, as defined in N.J.S.A. 2C:11-1(a), to a person during an unprovoked attack, and poses a serious threat of bodily injury or death to a person; or
- (2) Killed another domestic animal; and
 - (a) Poses a threat of serious bodily injury or death to a person; or
 - (b) Poses a threat of death to another domestic animal; or
- (3) Has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.

B. No declaration.

- (1) A dog shall not be declared potentially dangerous for:
 - (a) Causing bodily injury, as defined in N.J.S.A. 2C:11-1(a), to a person if the dog was provoked; or
 - (b) Killing a domestic animal if the domestic animal was the aggressor.
- (2) For the purposes of Subsection **B(1)(a)** of this section, the municipality shall bear the burden of proof to demonstrate that the dog was not provoked.

§ 5-1-10. Control of vicious dogs.

No person owning or keeping a vicious dog shall permit the dog to be off the property of the owner or keeper without being securely muzzled.

§ 5-1-11. Order and schedule for compliance for potentially dangerous dog; conditions.

If the Municipal Judge declares the dog to be potentially dangerous, it shall issue an order and a schedule for compliance which, in part:

A. Shall require the owner to comply with the following conditions:

- (1) To apply, at his own expense, to the Municipal Clerk or other official designated to license dogs pursuant to N.J.S.A. 4:19-15.2, for a special municipal potentially dangerous dog license, municipal registration number, and red identification tag. The owner shall, at his own expense, have the registration number tattooed upon the dog in a prominent location. A potentially dangerous dog shall be impounded until the owner obtains a municipal potentially dangerous dog license, municipal registration number, and red identification tag.
- (2) To display, in a conspicuous manner, a sign on his premises warning that a potentially dangerous dog is on the premises. The sign shall be visible and legible from 50 feet of the enclosure required pursuant to Subsection **A(3)** of this section;
- (3) To immediately erect and maintain an enclosure for the potentially dangerous dog on the property where the potentially dangerous dog will be kept and maintained, which has sound sides, top and bottom to prevent the potentially dangerous dog from escaping by climbing, jumping or digging and within a fence of at least six feet in height separated by at least three feet from the confined area. The owner of a potentially dangerous dog shall securely lock the enclosure to prevent the entry of the general public and to preclude any release or escape of a potentially dangerous dog by an unknowing child or other person. All potentially dangerous dogs shall be confined in the enclosure or, if taken out of the enclosure, securely muzzled and restrained with a tether approved by the Animal Control Officer and having a minimum tensile strength sufficiently in excess of that required to restrict the potentially dangerous dog's movements to a radius of no more than three feet from the owner and under the direct supervision of the owner.

B. May require the owner to maintain liability insurance in an amount determined by the Municipal Court to cover any damage or injury caused by the potentially dangerous dog. The liability insurance, which may be separate from any other homeowner policy, shall contain a provision requiring the municipality in which the owner resides to be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.

§ 5-1-12. Procedures for appeal.

The owner of the dog, or the Animal Control Officer in the municipality in which the dog was impounded, may appeal any final decision, order, or judgment, including any conditions attached thereto, of a Municipal Court pursuant to N.J.S.A. 4:19-17 et seq. by filing an appeal with the Superior Court, Law Division, in accordance with the Rules Governing the Courts of the State of New Jersey pertaining to appeals from courts of limited jurisdiction. The Superior Court shall hear the appeal by conducting a hearing de novo in the manner established by those rules for appeals from courts of limited jurisdiction.

§ 5-1-13. Liability of owner for costs of impoundment and destruction; rabies testing.

- A. If a dog is declared vicious or potentially dangerous, and all appeals pertaining thereto have been exhausted, the owner of the dog shall be liable to the municipality in which the dog is impounded for the costs and expenses of impounding and destroying the dog. The municipality may establish by ordinance a schedule of these costs and expenses. The owner shall incur the expense of impounding the dog in a facility other than the municipal pound, regardless of whether the dog is ultimately found to be vicious or potentially dangerous.
- B. If the dog has bitten or exposed a person within 10 days previous to the time of euthanasia, its head shall be transported to the New Jersey State Department of Health laboratory for rabies testing.

§ 5-1-14. Right to convene hearing for subsequent actions of dog.

If the Municipal Judge finds that the dog is not vicious or potentially dangerous, the Municipal Court shall retain the right to convene a hearing to determine whether the dog is vicious or potentially dangerous for any subsequent actions of the dog.

§ 5-1-15. Duties of owner of potentially dangerous dog.

The owner of a potentially dangerous dog shall:

- A. Comply with the provisions of N.J.S.A. 4:19-17 et seq. in accordance with a schedule established by the Municipal Court but in no case more than 60 days subsequent to the date of determination;
- B. Notify the licensing authority, local Police Department or force, and the Animal Control Officer if a potentially dangerous dog is at large, or has attacked a human being or killed a domestic animal;
- C. Notify the licensing authority, local Police Department or force, and the Animal Control Officer within 24 hours of the death, sale or donation of a potentially dangerous dog;

- D. Prior to selling or donating the dog, inform the prospective owner that the dog has been declared potentially dangerous;
- E. Upon the sale or donation of the dog to a person residing in a different municipality, notify the Department and the licensing authority, Police Department or force, and Animal Control Officer of that municipality of the transfer of ownership and the name, address and telephone of the new owner; and
- F. In addition to any license fee required pursuant to N.J.S.A. 4:19-15.3, pay a potentially dangerous dog license fee in the amount of \$500 to the municipality as provided by N.J.S.A. 4:19-31.

§ 5-1-16. Violations and penalties; seizure and impoundment; destruction by court order.

Except as otherwise provided in this article, any person who violates, or who fails, or refuses to comply with, this article shall be liable for a penalty of not more than \$1,000 and six months' imprisonment, or both, for each offense, to be recovered by and in the name of the local Board of Health, or by and in the name of the municipality, and each day's continuance of the violation shall constitute a separate and distinct violation. The Municipal Court shall have jurisdiction to enforce this section. An Animal Control Officer is authorized to seize and impound any potentially dangerous dog whose owner fails to comply with the provisions of N.J.S.A. 4:19-17 et seq., or any rule or regulation adopted pursuant thereto, or a court's order. The Municipal Court may order that the dog so seized and impounded be destroyed in an expeditious and humane manner.

§ 5-1-17. Potentially dangerous dog registration number, tag and license; publicizing of telephone number to report violations.

Each municipality shall:

A. Issue a potentially dangerous dog registration number and red identification tag along with a municipal potentially dangerous dog license upon a demonstration of sufficient evidence by the owner to the Animal Control Officer that he has complied with the court's orders. The last three digits of each potentially dangerous dog registration number issued by a municipality will be the three-number code assigned to that municipality in the regulations promulgated pursuant to N.J.S.A. 4:19-33. The Animal Control Officer shall verify, in writing, compliance to the Municipal Clerk or other official designated to license dogs in the municipality.

B. Publicize a telephone number for reporting violations of this article. This telephone number shall be forwarded to the State of New Jersey Department of Health, and any changes in this number shall be reported immediately to the State of New Jersey Department of Health.

§ 5-1-18. Regulation and control.

No person shall own, keep or harbor a dog in the Borough except in compliance with the provisions of this article and the following regulations:

- A. Wearing of registration. All dogs for which licenses are required by the provisions of this article to be licensed shall wear a collar or harness with the registration tag for such dog securely fastened thereto.
- B. 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.
- C. Interference with official duties. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article.
- D. Disturbing the peace. No person shall own, keep, harbor or maintain any dog which habitually barks or cries between the hours of 8:00 p.m. and 8:00 a.m.
- E. Running at large. No person owning, keeping or harboring any dog shall suffer to permit it to run at large outside the premises of the owner unless the dog is restrained by a fence, enclosure or leash or an electronic fence has been installed on the property and an individual at least 12 years of age is present on the premises at all times the dog remains outside.
- F. Leashing of dogs. 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 Borough, unless such dog is accompanied by a person over the age of 12 years and is securely confined and controlled by an adequate leash not more than six feet long.
- G. Property damage. No person owning, keeping or harboring a dog shall permit or suffer it to do any injury or to do any damage to any lawn, shrubbery, flowers, grounds or property not belonging to the owner or to cause injury to any livestock, person or domestic animal.
- H. Electronic fences, as defined in § 5-1-1, may be installed on a property. Electronic fences shall comply with the following requirements:
 - (1) Electronic fences installed after September 1, 2004, may be installed no closer to the front property line than the front of the existing structure of the home.
 - (2) Electronic fences are prohibited in the front yards of any property unless they were installed prior to September 1, 2004.

- (3) Any electronic fences that were properly installed in the front yards of properties as of September 1, 2004, may remain, provided that there are permanent signs next to the driveway and at any sidewalk leading directly to the house indicating that the property has an electronic fence.

§ 5-1-19. Quarantine of dogs and cats.

The Borough Council may, by proclamation, require all dogs and cats to be quarantined during such period in each year as may seem advisable to the Borough Council.

§ 5-1-20. Violations and penalties; appointment of Animal Control Officer and dog catchers.

- A. Penalty. Except as otherwise provided in this article, any person who violates or fails or refuses to comply with this article shall be liable for a penalty of up to \$1,000 and six months imprisonment, or both.
- B. The Borough Council and/or the Board of Health shall have the power to appoint an Animal Control Officer, whose duty it shall be to enforce the provisions of this article. The Borough Council and/or the Board of Health shall also have the power to appoint one or more persons, to be known as "dog-catchers," who may impound unlicensed dogs running at large in violation of the provisions of this article and who shall make a monthly and annual report to the Borough Council.

Article 5-2. Regulating and Licensing of Cats

§ 5-2-1. Definitions.

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

ABANDONED

As to a cat means that the cat has an appearance that an owner has forsaken a domesticated cat entirely, or the cat appears to be deprived of care, shelter and support.

ANIMAL

For the purpose of this article, "animal" shall mean "cat."

ANIMAL CONTROL AUTHORITY

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

CAT

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

A. DOMESTICATED CAT

A cat that is socialized to humans and appears appropriate as a companion for humans as determined by the Animal Control Authority.

B. FERAL CAT

A cat that appears to exist in a wild or untamed state either due to circumstances of birth or conversion to a wild state of a previously domesticated cat after living out of doors for a period of time as determined by the Animal Control Authority.

CAT OF LICENSING AGE

Any cat which has attained the age of seven months, or which possesses a set of permanent teeth.

CATTERY

Any room or group of rooms, cage, or exhibition pen, not part of a kennel, wherein cats for sale or other transfer are kept or displayed.

EARTIPPING

Straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

LICENSING AUTHORITY

The agency or department of Hightstown Borough or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this article.

NEUTERED

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

NUISANCE

Conduct by cats that disturbs the peace and threatens the public health by:

- A. Habitually howling crying or screaming; or
- B. Significant destruction, desecration or soiling of property against the wishes of the owner of the property; or
- C. Carrying a zoonotic disease.

OWNER

When applied to the proprietorship of a cat, shall 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. Any person that regularly feeds, shelters or cares for a cat shall be deemed the owner of that cat.

PERSON

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

TNR

Trap, neuter, return.

TNR PROGRAM

A program pursuant to which feral and abandoned cats are trapped, neutered or spayed, vaccinated against rabies and returned to the location where they congregate.

ZOONOTIC DISEASE

Those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

§ 5-2-2. Responsibility of owners of domesticated cats.

- A. Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cat.
- B. Owners of domesticated cats shall license each cat. Vaccination against rabies is required for licensing.
- C. The owner of a domesticated cat violates this section if the cat creates a nuisance.
- D. The owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit the cat to roam unsupervised off the property of the owner.
- E. An owner shall not abandon a domesticated cat.

§ 5-2-3. Responsibility of property owners.

- A. The owner of real property shall spay/neuter and license any domestic cat the property owner permits to wander unsupervised on and off his/her property.
- B. The owner of real property shall not allow sexually intact (not spayed or neutered) feral cats to congregate on his/her property.
- C. The owner of real property violates this section if a cat on his/her property creates a nuisance.

- D. Only an Animal Control Officer, the ASPCA, or volunteers of TNR programs are authorized to trap cats anywhere in the Borough. A property owner may trap on his/her own property using a trap approved by the Animal Control Officer. It is a violation of this section for any unauthorized person to trap cats.

§ 5-2-4. Rabies vaccination of cats.

- A. Vaccination and license requirements. No person shall own, keep, harbor, or maintain any cat over seven months of age within Hightstown Borough, unless such cat is vaccinated and licensed. The provisions of this section do not apply to cats held in a cattery, or those held by a state or federal licensed research facility, or a veterinary establishment where cats are received or kept for diagnostic, medical, surgical, or other treatments, or licensed animal shelters, pounds, kennels, or pet shops.
- B. Vaccination. All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the latest "Compendium of Animals Vaccine and Recommendations for Immunization" published by the National Association of State Public Health Veterinarians, except as provided for in Subsection **D**.
- C. Vaccination certificate. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the state.
- D. Exemptions. Any cat may be exempted from the requirements of such vaccination for a specified period of time by the local Board of Health, 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.
- E. Newly Acquired Cats. The owner of any newly acquired cats of vaccination age or of any cat which attains vaccination age, shall have such cat vaccinated within 10 days after such acquisition or age attainment.
- F. Cats Brought into the Borough. Any person who shall bring or cause to be brought into the Borough any cat vaccinated in another State for the current year and bearing an appropriate registration tag and who shall keep such cat or permit such cat to be kept within the Borough for a period of more than 90 days shall, upon the expiration of the ninety-day period, provide proof of current vaccination status to the Board of Health.
- G. Proof of Vaccination. Proof of vaccination shall be produced by any person owning, keeping, maintaining or harboring a cat upon the request of any Board of Health official, Police Officer, Animal Control Officer or other person authorized by the Board of Health or the Borough.

§ 5-2-5. Licensing requirements; fees.

- A. Cats must have license number displayed. Any person who shall own, keep, or harbor a cat of licensing age shall annually apply for and procure from the Borough Clerk or other official designated by the Mayor and Council thereof to license cats in the municipality in which he/she resides a license and official registration tag with license number, or a registration sleeve for each cat so owned, kept, or harbored, and shall place upon such cat a collar or other device with the license number securely fastened or displayed thereto. Acceptable methods of displaying a license number shall include, but are not limited to, breakaway or elastic collars. License tags or sleeves are not transferable.
- B. Time for applying for license. The owner of any newly acquired cat of licensing age, or of any cat which attains licensing age, shall make application for a license tag or sleeve for such cat within 30 days after such acquisition or age attainment. This requirement will not apply to a nonresident keeping a cat within the Borough for no longer than 90 days.
- C. Cats brought into the Borough. Any person who shall bring or cause to be brought into the Borough any cat licensed in another state for the current year, and bearing a registration tag or sleeve, and 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 or sleeve for each such cat.
 - (1) Any person who shall bring or cause to be brought into the Borough any unlicensed cat, not owned by such person, and shall keep same or permit same to be kept within the Borough for a period of more than 30 days, shall immediately apply for a license and registration tag or sleeve for each such cat.
 - (2) The property owner is responsible for the vaccination and licensing of any cat that remains on his/her property for a period of more than 10 days.
- D. Application contents; preservation of information.
 - (1) The application shall state the breed, sex, age, color, and markings of the cat for which license and registration are sought, and whether it is of a long- or short-haired variety; also the name, street, and post office address of the owner, and the person who shall keep or harbor such cat. The information on said application and the registration number issued for the cat shall be preserved for a period of three years by the Borough Clerk or other official designated to license cats in the Borough.
 - (2) Applications for licenses for cats which are required to be licensed by the provisions of this article shall be made prior to January 31 each year to the Borough Clerk or other official designated by the Mayor and Council. In all other cases, the application

for license shall be made within 30 days of the day upon which the cat in question first becomes subject to the provisions of this article, as set forth more specifically in Subsections **B** and **C**.

- E. License forms and tags. License forms and official tags or sleeves shall be furnished by the Borough and shall be numbered serially, and shall bear the year of issuance and the name of the Borough.
- F. Evidence of inoculation with rabies vaccine or certification of exemption; requirement for license. The Borough Clerk or other official designated by the Mayor and Council to license cats shall not grant any such license and official registration tag or sleeve for any cat unless the owner thereof provides evidence that the cat 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 Human Services, or has been certified exempt as provided by § ~~5-2-4~~ of this article. The rabies inoculation shall be administered by a duly licensed veterinarian, or by such other veterinarian permitted by law to do the same.
- G. License Fee Schedule. A license shall be issued after payment of a fee of \$14 for each cat not neutered and \$10 for each neutered cat. Those family groups which presently possess more than two cats, in accordance with § 5-2-5M, shall not be required to pay total annual fees in excess of \$30 for the licensing of all of the cats, exclusive of any delinquent fees which may apply in accordance with this section. Person who fail to obtain a license as required within the time period specified in this section will be subject to a delinquent fee per license as follows. If application is made:
 - (1) During February: \$5.
 - (2) During March: \$10.
 - (3) After March 31: \$15.
- H. Fees, renewals, expiration date of license.
 - (1) Expiration Date. Each cat license and registration tag shall expire on December 31 of the calendar year in which it was issued.
 - (2) Licenses from another municipality shall be accepted. The person applying for the license and registration tag and/or sleeve shall pay the fee fixed or authorized. The fee for the renewal of a license and registration tag or sleeve shall be the same as for the

original, and the license, registration tag or sleeve and renewal thereof shall expire on December 31 of the calendar year in which it was issued.

- (3) Only one license and registration tag or sleeve shall be required in the licensing year for any cat in the Borough. Any valid New Jersey license tag or sleeve issued by a New Jersey municipality shall be accepted by the Borough.
- I. Loss of license. If a license tag or sleeve has been misplaced or lost, the Board of Health may issue duplicate license and/or registration sleeve for that particular cat at a fee of \$1.
 - J. Proof of licensing. Proof of licensing shall be produced by any person owning, keeping, maintaining, or harboring a cat, upon the request of any Health Official, Police Officer, Animal Control Officer, or other authorized person.
 - K. Interfering with persons performing duties under this article. No person shall hinder, molest, or interfere with anyone authorized or empowered to perform any duty under this article.
 - L. Disposition of fees collected. License fees and other moneys collected or received under the provisions of this article shall be forwarded to the Finance Department of the Borough, and shall be placed in a special account separate from any of the other accounts of the municipality and shall be used for the following purposes only: collecting, keeping and disposing of cats liable to seizure, for local prevention and control of rabies, including the dissemination of public information, educational programs, providing anti-rabies treatment under the direction of the local Board of Health for any person known or suspected to have been exposed to rabies, and for administering the provisions of this article. The allocation and payment of the license fees and other moneys collected and/or received under the provisions of this article shall be at the sole discretion of the local Board of Health for the above specified purposes. Any unexpended balance remaining in such special account shall be retained until the end of the third fiscal year following, and may be used for any of the purposes set forth in this section. At the end of said 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 Borough any amount then in such account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.
 - M. Sanitation of Quarters. The quarters where cats are kept shall be kept clean and sanitary under standards generally accepted for the housing, feeding and care of cats by the American Veterinary Medical Association.

§ 5-2-6. Regulation and control.

No person shall own, keep or harbor a cat in the Borough except in compliance with the provisions of this article and the following regulations:

- A. 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 cat without the consent of the owner, nor shall any person attach a registration tag to a cat for which it was not issued.
- B. Interference with official duties. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article.
- C. Disturbing the peace. No person shall own, keep, harbor or maintain any cat which habitually cries between the hours of 8:00 p.m. and 8:00 a.m.
- D. Running at large. No person owning, keeping or harboring any cat shall suffer to permit it to run at large outside the premises of the owner.
- E. Nuisance. No person owning, keeping or harboring a cat shall permit or suffer it to do any injury or to do any damage to any lawn, shrubbery, flowers, grounds or property not belonging to the owner or to cause injury to any livestock, person or domestic animal.
- F. No owner of property shall allow unspayed, unvaccinated feral cats to run at large outside the premises of the owner. Vaccination and spaying shall be evidenced by ear-tipping. Farms are exempt from the provisions of this subsection.

§ 5-2-7. Impoundment and destruction of certain cats; fees.

- A. Causes for impounding. The Animal Control Officer may take into custody and impound, or cause to be taken into custody and impounded, any of the following cats:
 - (1) Any unlicensed cat running at large in violation of the provisions of this article.
 - (2) Any cat off the premises of the owner, or the person keeping or harboring such cat, which the Animal Control Officer or his agent has reason to believe is a stray cat.
 - (3) Any cat off the premises of the owner, or the person keeping or harboring such cat, without a current registration tag on its collar.
 - (4) Any cat or other animal which is suspected to be rabid or evidences any sign of zoonotic disease.
 - (5) Any feral cat whose vaccination and spay/neuter status is not evidenced by ear tipping.

- (6) Any cat or other animal off the premises of the owner reported or observed by the Animal Control Officer to be ill, injured or creating a threat to the public health, safety and welfare or otherwise interfering with the enjoyment of property.
 - (7) Any cat which the Animal Control Officer has reasonable cause to believe has attacked a person or caused death or serious bodily injury, as defined in N.J.S.A. 2C:11-1(b), to that person; or has caused bodily injury, as defined in N.J.S.A. 2C:11-1(a), to a person during an unprovoked attack and poses a serious threat of harm to persons or domestic animals.
- B. Access to premises. Any officer or agent authorized or empowered to perform any duty under this article is hereby authorized to go upon any premises to seize for impounding any cat which he may lawfully seize and impound when such officer is in immediate pursuit of such cat, except upon the premises of the owner of the cat if the owner is present and forbids it.
- C. Notice of seizure.
- (1) If any cat so impounded or seized wears a registration tag, collar or harness having inscribed thereon or attached thereto the name and address of any person, or if the owner of or the person keeping or harboring the cat is known, the Animal Control Officer shall immediately serve on the person whose address is given on the collar, or on the person owning, keeping or harboring the cat, a notice, in writing, stating that the cat has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after service of the notice.
 - (2) 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.
- D. Disposition of unclaimed cats. The Animal Control Officer or his authorized representative, including an authorized kennel, is empowered to cause the destruction, in as humane a manner as possible, of any cat or other animal seized by him or otherwise coming into his possession, under any of the following circumstances:
- (1) When any cat or other animal has not been claimed by the person owning, keeping or harboring same within seven days after notice or within seven days of the animal's detention when notice cannot be given to the person owning, keeping or harboring the cat or other animal in accordance with Subsection C and the administrative fee as provided in Subsection E has not been paid.

(2) When any cat is unlicensed at the time it is seized or otherwise comes into the possession of the Animal Control Officer, and the person owning, keeping or harboring such cat has not produced a current license and registration tag as provided in this article.

E. Administrative & Impound Shelter Services fee. In order for a cat or other animal to be returned to the person owning, keeping or harboring same, when the cat or other animal has been seized by or otherwise comes into the possession of the Animal Control Officer, there must be paid an administrative fee, which is hereby established. This fee shall be exclusive of any charges or fees of a kennel for the custody, care, maintenance, control or disposal of the cat or other animal. The administrative fee shall be payable to the Borough in the following manner:

(1) The administrative fee for the return of a cat or other animal shall be \$60 per animal. The shelter services fee shall be \$75 if the animal is redeemed by its owner within 24 hours from entering the facility. If the animal is not redeemed by its owner within 24 hours, the shelter service fee shall be \$250 per animal.

(2) If the cat or other animal is redeemed from the impounding shelter by the person owning, keeping, or harboring the animal, the Borough of Hightstown will mail, via certified mail, the resident a bill consisting of the administrative fee of \$60, plus the shelter service fee of either \$75 or \$250, depending on the animals' length of stay at the facility. This bill shall be payable within 15 days of the date of the certified mailing, or else the Borough Code Enforcement Officer will issue a summons for failure to pay the fee.

§ 5-2-8. Violations and penalties.

Except as otherwise provided in this article, any person who violates, or who fails, or refuses to comply with, this article shall be liable for a penalty of not more than \$1,000 and six months' imprisonment, or both, for each offense, to be recovered by and in the name of the local Board of Health, or by and in the name of the municipality, and each day's continuance of the violation shall constitute a separate and distinct violation.

Article 5-3. Sale of Dogs and Cats from Pet Shops

§ 5-3-1. Definitions.

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

ANIMAL CARE FACILITY

An animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

ANIMAL RESCUE ORGANIZATION

Any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. The organization shall be registered with New Jersey Department of Health as an Animal Welfare Agency.

CAT

A member of the species of domestic cat, *Felis catus*.

DOG

A member of the species of domestic dog, *Canis familiaris*.

OFFER FOR SALE

To sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

PET SHOP

A retail establishment where dogs and cats are sold exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined herein.

§ 5-3-2. Restrictions on sale of dogs and cats.

- A. A pet shop may offer for sale only those dogs and cats that the pet shop has obtained from or displays in cooperation with:
 - (1) An animal care facility; or
 - (2) An animal rescue organization.

- B. A pet shop shall not offer for sale a dog or cat that is younger than eight weeks old.

Section 3. That the provisions currently contained within Article 5-3 of the Borough Code, entitled “Disposal of Pet Waste,” shall now be included in and referenced as Article 5-4, to be entitled “Disposal of Pet Waste.”

Section 4. That the provisions currently contained within Article 5-4 of the Borough Code, entitled “Farm Animals and Fowl,” shall now be included in and referenced as Article 5-5, to be entitled “Farm Animals and Fowl.

Section 5. That this Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 6. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. That, in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Introduction: May 2, 2022

Adoption: May 16, 2022

ATTEST:

MARGARET RIGGIO
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR