

CHAPTER V ANIMAL CONTROL

5-1 LICENSING AND REGULATION OF DOGS.

5-1.1 Dog License Fees.

Pursuant to the provisions of Chapter 151 of the Laws of 1941, its amendments and supplements (N.J.S.A. 4:19-15.1) and particularly N.J.S.A. 4:19-15.3, the sum to be paid annually for a dog license and each renewal thereof, shall be as established in Schedule C.* In addition to the aforesaid license fee there shall be collected from each person licensing a dog, the dog registration tag fee payable to the State of New Jersey in accordance with N.J.S.A. 4:19-15.3, a fee as established in Schedule C* for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization which shall be forwarded to the State Treasurer pursuant to P.L. 1983, Chapter 172 for deposit in the "Animal Population Control Fund"; and a fee of twenty (\$0.20) cents to be forwarded to the State Treasurer pursuant to P.L. 1983, Chapter 181 for deposit in the "Pilot Clinic Fund." (Ord. 1977-10, § 1; Ord. #1978-7, § 1; Ord. #1981-8, § 1; Ord. #1983-8, § 1; Ord. #1988-15, § 1; Ord. #1990-7, § 1; Ord. #1991-10, § 1; Ord. #2002-8, § 1).

* **Editor's Note:** Schedule C, referred to herein, may be found in Appendix A, which is located at the rear of this Code.

5-1.2 Issuance of License.

The Township Clerk is hereby designated as the official to issue dog licenses. (Ord. #1977-10, § 2).

5-1.3 Dogs Running-at-Large Prohibited; Leash Required.

It shall be unlawful for any person owning, keeping, harboring or having custody or possession of any dog, whether registered or not, to permit such dog to be at any place in the Township other than on the premises of such person, unless such dog be led by a leash in the hands of a person capable of leading and controlling such dog, or shall be securely confined in an automobile or carried securely in the arms of a person capable of controlling the dog. (Ord. #1977-10, § 3)

5-1.4 Exceptions for Hunting or Training.

Nothing herein shall prohibit a dog being used for the purpose of hunting legal game within the seasons as provided by Statute or being trained for the hunting of legal game or actively participating in field trials or dog shows, provided that the dog is, during such time that it is so being used or trained, or participating in such show, under the immediate control of a person actually able to physically restrain the dog. (Ord. #1977-10, § 4)

5-1.5 Impounding of Dogs.

Any dog found off the premises of such person in violation of this section shall be taken into custody and impounded by the police authority or any person appointed for the purpose of taking and impounding dogs by the Township Committee and thereafter destroyed or disposed of as provided by N.J.R.S. 4:19-15.16. This remedy shall not exclude imposition of the fine provided for in this section. (Ord. #1977-10, § 5)

5-1.6 Enticing Dogs.

It shall be unlawful for any person to entice, either by bait, threats, assault or other means, any dog into an act or acts in violation of any of the provisions of this section. (Ord. #1977-10, § 6)

5-1.7 Barking or Howling; Noise Prohibited.

No person shall keep, harbor or maintain any dog which habitually barks, whines, howls or makes other disturbing noises. (Ord. #1977-10, § 7)

5-1.8 Vicious and Potentially Dangerous Dogs.

a. *Definitions.* As used in this Chapter:

Potentially dangerous dog shall mean any dog or dog hybrid declared potentially dangerous pursuant to N.J.S.A. 4:91-23.

Vicious dog shall mean any dog or dog hybrid declared vicious pursuant to N.J.S.A. 4:19-22.

b. *State Law Incorporated by Reference.* The State Statute governing vicious and potentially dangerous dogs, N.J.S.A. 4:19-17 et seq. as amended and supplemented is hereby incorporated in this subsection by reference.

c. *Liability of Owner for Costs of Impoundment and Destruction.* If a dog is declared vicious or potentially dangerous pursuant to N.J.S.A. 4:19-17 et seq. and all appeals pertaining thereto have been exhausted, the owner of the dog shall be liable to the Township of Tabernacle for the cost and expenses of impounding a vicious or potentially dangerous dog in the Municipal Pound in the amount of four (\$4.00) dollars per day and of destroying a vicious dog in the amount of thirty-five (\$35.00) dollars.

d. *Licensing, Registration and Identification of Potentially Dangerous Dogs.* The owner of a dog declared potentially dangerous pursuant to N.J.S.A. 4:19-23 shall apply to the Township Clerk for a potentially dangerous dog license, municipal registration number and red identification tag. The Township Clerk shall issue same upon written verification from the Municipal Animal Control Officer that the owner has complied with the orders of the panel convened pursuant to N.J.S.A. 4:19-21. The owner shall annually renew said potentially dangerous dog license.

The fee for issuance of a potentially dangerous dog license and for each annual renewal thereof shall be as established in Schedule C.*

* **Editor's Note:** Schedule C, referred to herein, may be found in Appendix A, which is located at the rear of this Code.

e. *Telephone Number for Reporting Violations of N.J.S.A. 4:19-17 et seq.* The Township Administrator shall publicize a telephone number for reporting violations of the Act establishing requirements for owners of vicious and potentially dangerous dogs, N.J.S.A. 4:19-17 et seq., and shall forward this number to the State Department of Health.

(Ord. #1977-10, § 8; Ord. #1991-4, § 1; Ord. #2002-8, § 1)

5-1.9 Presumption that Dog Owner's Permission Secured for Dogs Off Property of Owner.

Any dog found off of the premises of the owner or person harboring or maintaining such dog in violation of the provisions of this Chapter, shall be prima facie presumed to be off such premises with the permission or consent of the owner or other person. (Ord. #1977-10, § 9)

5-2 PENALTY. ** Editor's Note: Penalty provision in compliance with N.J.S.A. 4:19-29.**

Any person who violates or who fails or refuses to comply with this Chapter, shall be liable to a penalty of not less than five (\$5.00) dollars nor more than one thousand (\$1,000.00) dollars for each and every offense, except that for the first offense or failure to secure a license, the penalty shall be not less than one (\$1.00) dollar and not more than fifty (\$50.00) dollars. (New)

5-3 PET WASTE.

5-3.1 Purpose.

The purpose of this section is to establish requirements for the proper disposal of pet solid waste in Tabernacle Township, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply. (Ord. #2005-14, § I)

5-3.2 Definitions.

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Immediate shall mean that the pet solid waste is removed at once, without delay.

Owner/Keeper shall mean any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.

Person shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Pet shall mean a domesticated animal (other than disability assistance animal) kept for amusement or companionship.

Pet Solid Waste shall mean waste matter expelled from the bowels of the pet; excrement.

Proper Disposal shall mean placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

(Ord. #2005-14, § II)

5-3.3 Requirement for Disposal.

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

(Ord. #2005-14, § III)

5-3.4 Enforcement.

The provisions of this section shall be enforced by the New Jersey State Police and Code Enforcement Officer of Tabernacle Township. (Ord. #2005-14, § IV)

5-3.5 Violations and Penalty.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine not to exceed one thousand two hundred (\$1,200.00) dollars. (Ord. #2005-14, § V)

5-4 MANAGED CARE OF FERAL CATS.

5-4.1 Definitions.

For the purpose of this section, the following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

Abandoned shall mean that an owner or caregiver has forsaken a domesticated cat entirely, or has neglected or refused to provide care and support of the cat.

Animal Control Officer shall mean any person employed or appointed by the Township who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with New Jersey law and this Code.

Caregiver shall mean any person who provides food, water or shelter to or otherwise cares for a cat.

Domesticated cat shall mean a cat that is socialized to humans and is appropriate as a companion for humans.

Ear tipping shall mean straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

Feral Cat shall mean a cat that exists in a wild or untamed state, either due to birth or reversion to a wild state from domestication. The usual and consistent temperament of a feral cat is extreme fear and resistance to contact with humans. Feral cats are completely or substantially un-socialized to humans.

Feral Cat Colony shall mean a group of cats that congregates, more or less, together as a unit. Although not every cat in a colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be a part of it.

Nuisance shall mean disturbing the peace by (a) habitually or continually howling, crying or screaming, or (b) the habitual and significant destruction, desecration or soiling of property against the wishes of the owner of the property.

Owner shall mean any person, firm, corporation, partnership, association, trust, estate, or any other legal entity.

Rescue Group shall mean a for-profit or not-for-profit entity, or a collaboration of individuals with at least one (1) of its purposes being the adoption or placement of cats in homes with humans to serve as companion animals.

Stray Cat shall mean a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner and is not regularly provided with food by its owner.

Suitable Shelter shall mean shelter that provides protection from rain, sun, and other elements that is adequate to protect the health of the cat.

TNR shall mean trap, neuter and return.

TNR Program shall mean a program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies and returned to the location where they congregate.

Zoonotic Disease shall mean those diseases transmittable to humans from animals, including parasitic, bacterial, fungal and viral diseases.

(Ord. #2005-20, § 2)

5-4.2 Responsibilities of Owners of Domesticated Cats.

- a. Owners of domesticated cats shall provide appropriate and adequate food, water and shelter for their cats.
- b. The owner of a domesticated cat shall exercise reasonable care to guard against the cat creating a nuisance.
- c. The owner of a sexually intact (not spayed or neutered) domesticated cat shall not permit his/her cat to roam unsupervised.
- d. An owner shall not abandon a domesticated cat.

(Ord. #2005-20, § 2)

5-4.3 Feral Cat Colonies.

- a. Feral cat colonies shall be permitted and caregivers shall be entitled to maintain them in accordance with the terms and conditions of this section.
- b. *Sponsorship of Colony TNR Programs.* The Burlington County Feral Cat Initiative program sponsored by Nature's Refuge, a nonprofit animal education organization, is approved. Other persons may apply to the Township to serve as colony TNR program sponsors ("sponsors") so long as said persons agree to perform the responsibilities stated in this section for sponsors.
- c. *Sponsor Requirements.* It shall be the duty of the sponsor to:
 1. Review and approve of colony caregivers;
 2. Help to resolve any complaints over the conduct of a colony caregiver or of cats within a colony;
 3. Maintain records provided by colony caregivers on the size and location of the colonies as well as the vaccination and spay/neuter records of cats in the sponsor's colonies and
 4. Report annually to the Township on the following:
 - (a) Number of colonies in the Township;
 - (b) Total number of cats in colonies;
 - (c) Number of cats and kittens spayed and neutered pursuant to the TNR Program and
 - (d) Number of cats and kittens placed in permanent homes.\
 5. Use due consideration to avoid the taking of rare, threatened or endangered species under the Endangered and Nongame Species Conservation Act, N.J.S.A. 23:2A-1, et seq.
- d. *Feral Cat Caregiver Requirements.* Caregivers are responsible for the following:
 1. Registering the feral cat colony with the sponsor;
 2. Taking steps that are reasonably likely to result in the vaccination of the colony population for rabies and making reasonable efforts to update the vaccinations on cats that can be recaptured;
 3. Taking steps that are reasonably likely to result in the spay/neuter, by a licensed veterinarian, of at least ninety (90%) percent of the colony population;
 4. Providing the sponsor with descriptions of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered;
 5. Providing food, water and, if feasible, shelter for colony cats;
 6. Observing the colony cats at least twice per week and keeping a record of any illnesses or unusual behavior noticed in any colony cats;
 7. Obtaining the approval of the owner of any property, to which the caregiver requires access to provide colony care;
 8. In the event that kittens are born to a colony cat, the caregiver shall take reasonable steps likely to result in the removal of the kittens from the colony after they have been weaned, and the placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement;
 9. Reporting annually in writing to the sponsor on the status of the colony, including data on the number and gender of all cats in the colony, the number of cats that died or otherwise ceased being a part of the colony during the year; the number of kittens born to colony cats and their disposition and the number of cats and kittens placed in permanent homes as companion cats; and
 10. Obtaining proper medical attention to any colony cat that appears to require it.
- e. *Colony Cat Requirements.*
 1. The left ear of a colony cat that has been spayed or neutered and vaccinated shall be ear tipped.
 2. An electronic animal identification device (EAID) shall be inserted into the cat by a veterinarian in accordance with professional medical standards. The Sponsor shall be the named contact for purposes of the EAID.
- f. *Disposition of Colony Cats.*

1. An Animal Control Officer who has trapped a cat whose left ear has been tipped or which bears some other distinguishing mark indicating that it belongs to a feral cat colony shall scan the cat for an EAID. If an EAID is found, the Officer shall be responsible for contacting the sponsor or other person named as owner of the cat.
2. If the owner or sponsor is not able to immediately take custody of the cat, the officer shall transport the cat to the Burlington County Animal Shelter. The owner or sponsor shall be responsible for retrieving the cat from the shelter within three (3) business days or advising the shelter if the owner or sponsor does not intend to retrieve the cat.
(Ord. #2005-20, § 3)

5-4.4 Enforcement.

- a. The Township shall have the following rights:
 1. The right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease.
 2. The right to seize/remove a cat from a colony that is creating a nuisance as defined above and the caregiver and sponsor have been given sixty (60) days to remove and relocate the cat and have failed to do so.
 3. The right to seize/remove a colony of cats when the caregiver regularly fails to comply with the requirements of subsection 5-4.3d; and the sponsor has not been able to obtain a replacement or substitute caregiver within sixty (60) days of the Township's notice to the sponsor of the caregiver's failure to comply with this section.
- b. The requirements of this section notwithstanding, Animal Control Officers and Police Officers may investigate any nuisance complaint. (Ord. #2005-20, § 4)

5-5 PROHIBITION OF WILD ANIMALS AND REGULATION OF THE MAINTENANCE OF AGRICULTURAL ANIMALS ON NON-AGRICULTURAL PROPERTIES.

5-5.1 Purpose.

The purpose of this section is to prohibit wild animals and regulating agricultural animals on non-agricultural properties in Tabernacle Township so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply with same.
(Ord. No. 2007-4 § I)

5-5.2 Definition: Agricultural Animals.

Agricultural Animals shall mean customarily found on a farm, including but not limited to alpacas, llamas, bovine, steer, cattle, horses, cows, ponies, sheep, goats, chickens, ducks, guinea hens, or other farm animals and fowl. The term shall not include the keeping of cats, dogs, or other domestic animals.
(Ord. No. 2007-4 § II)

5-5.3 Agricultural Animals: Regulations.

Agricultural animals may be kept, harbored and maintained on non-agricultural property subject to all of the following conditions:

- a. The lot on which the agricultural animals are located is at least six (6) acres.
- b. No livestock/animal shelter shall be erected, used or located closer than one hundred (100') feet to any property line. No manure storage shall be located closer than one hundred (100') feet to any property line.
- c. All agriculture animals shall be kept at all times at least twenty (20') feet from any adjoining property line.
- d. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- e. Animals are maintained in quarters so constructed as to prevent their escape.
- f. Nothing herein shall apply to agriculturally assessed property which is qualified, pursuant to the Farmland Assessment Act of 1964 (laws of 1964, Chapter 48; N.J.S.A. 54:423.1), as land actively devoted to agricultural use.
(Ord. No. 2007-4 § III)

5-5.4 Prohibition of Wild Animals.

- a. It shall be unlawful for any person to keep, maintain or have under his control or possession within the Township any poisonous reptile or any other dangerous or carnivorous wild animal or reptile of wild, vicious or dangerous propensities, including but not limited to the following:
 1. All poisonous animals, including rear-fang snakes.

2. Apes: chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
 3. Baboons (Papio, Mandrillus).
 4. Bears (Ursidae).
 5. Bison (Bison).
 6. Cheetahs (Acinonyx jubatus).
 7. Crocodilians (Crocodilia), thirty (30") inches in length or more.
 8. Constrictor snakes, six (6') feet in length or more.
 9. Coyotes (Cants latrans).
 10. Elephants (Elephas and loxodonta).
 11. Game cocks and other fighting birds.
 12. Hippopotami (Hippopotamidae).
 13. Hyenas (Hyaenidae).
 14. Jaguars (Felis once).
 15. Leopards (Felis pardus).
 16. Lions (Felis leg).
 17. Lynxes (Lynx).
 18. Monkeys, old world (Cercopithecoidea).
 19. Ostriches (Struthio).
 20. Piranha Fish (Characidae).
 21. Pumas (Felis concolor), also known as cougars, mountain lions and panthers.
 22. Rhinoceroses (Rhinocerotidae).
 23. Sharks (class Chondrichthyes).
 24. Snow leopards (Felis Tigris).
 25. Tigers (Felis Tigris).
 26. Wolves (Cants lupus).
- b. *Exceptions.* The provisions of subsection 5-5.4a, hereinabove shall not apply to licensed pet shops, if:
1. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 2. Animals are maintained in quarters so constructed as to prevent their escape.
 3. No person lives or resides within one hundred (100') feet of the quarters in which the animals are kept and no animal shelter or quarters shall be used or located closer than one hundred (100') feet to any property line.
- c. *Horses.* Horses are permitted in strict accordance with Chapter XVII, Section 32. (17-32)
(Ord. No. 2007-4 § IV)

5-5.5 Enforcement.

The Tabernacle Township Code Enforcement Department and/or the New Jersey State Police shall enforce the provisions of this section. (Ord. No. 2007-4 § V)

5-5.6 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine, not to exceed one thousand five hundred (\$1,500.00) dollars and/or a term of imprisonment not to exceed one hundred eighty (180) days. (Ord. No. 2007-4 § VI)