

Chapter 5

ANIMAL CONTROL

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§ 5-1. GENERAL PROVISIONS.

§ 5-1.1. Definitions. [1971 Code § 7-1; Ord. No. 2005-93 § 1]

For the purpose of this chapter, the following terms, phrases, words and their derivations shall have the meaning 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.

DOG — Shall mean any member of the species generally referred to as *canis familiaris*.

DOG OF LICENSING AGE — Shall mean any dog which has attained the age of seven months or which possesses a set of permanent teeth.

DWELLING UNIT — Shall mean each portion of a multiple dwelling occupied for living or dwelling purposes by a family, individual, individuals or group living together as a single housekeeping unit.

IMMEDIATE — Shall mean that the pet solid waste is removed at once, without delay.

KENNEL OR PET SHOP — Shall mean any establishment or place wherein or whereon the raising, training, boarding, breeding, for hire or sale, of dogs, cats, birds, rodents, reptiles, or other small animals, fish or fowl, occurs, or the sale thereof, or where more than five dogs over the age of seven months or which have their permanent teeth, are kept.

MULTIPLE DWELLING — Shall mean any building containing dwelling units for two or more families, individuals or groups living together as a single housekeeping unit and shall include horizontally or vertically attached dwelling units notwithstanding that they may be under different ownership.

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 a disability assistance animal) kept for amusement

or companionship.

PET SHOP. — See Kennel.

PET SOLID WASTE — Shall mean waste matter expelled from the bowels of the pet; excrement.

POUND — Shall mean an establishment for the confinement of dogs seized either under the provisions of this chapter or otherwise.

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.

SHELTER — Shall mean any establishment where dogs are received, housed and distributed without charge.

VICIOUS DOG — Shall mean any dog which has been declared to be dangerous to the public by a Judge of the Municipal Court pursuant to the provisions of this chapter because the dog has attacked, attempted to attack or has bitten a human being, or because he habitually attacks other dogs or domestic animals. A dog shall not be declared vicious if the Judge of the Municipal Court determines that there was justifiable cause for the attack, attempted attack or bite or that the dog constitutes no danger to the public.

§ 5-2. DOG LICENSING.¹

§ 5-2.1. License Required. [1971 Code § 7-2.1]

Licenses shall be required for the following dogs of licensing age:

- a. Any dog owned or kept within the Township by a resident of the Township on the first day of January of any calendar year.
- b. Any dog acquired by any person during the course of the calendar year and kept within the Township for more than 10 days after acquisition.
- c. Any dog attaining licensing age during the course of the calendar year.
- d. Any unlicensed dog brought into the Township by any person and kept within the Township for more than 10 days.
- e. Any dog licensed by another state brought into the Township by any person and kept within the Township for more than 90 days.

§ 5-2.2. Application for License. [1971 Code § 7-2.2]

Each applicant for a license under this chapter 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. Name, street and post office address of the owner of, and the person who shall keep or harbor, such dog.
- c. Number of other dogs owned or kept on premises and registration number of licensing age.

1. Editor's Note: See also Section 5-6, Dangerous Dogs.

d. Evidence of inoculation of dog with rabies vaccine pursuant to provisions of N.J.S.A. 4:19-15.1a.

Registration numbers shall be issued in the order in which applications are received.

§ 5-2.3. Application for License; Time Limits. [1971 Code § 7-2.3]

Applications for licenses for dogs which are required to be licensed by the provisions of subsection 5-2.1a, shall be made before the first day of February of each calendar year. In all other cases, the application for a license shall be made within 10 days of the day upon which the dog in question becomes subject to the provisions of this section.

§ 5-2.4. License Record. [1971 Code § 7-2.4]

The information on all applications under this chapter and the registration number issued to each licensed dog shall be preserved for a period of three years by the Township Clerk. In addition, he shall forward similar information to the State Department of Health each month on forms furnished by the Department.

§ 5-2.5. Dog License Fees. [1971 Code § 7-2.5; Ord. No. 2009-35 § 1]

The fee for a dog license and registration tag shall be as follows:

	Spayed/ Neutered	Non-Spayed/Non-Neutered
License fee	\$11.80	\$11.80
N.J. Registration	\$1.00	\$1.00
N.J. Pilot Clinic Fund	\$0.20	\$0.20
N.J. Pet Population Control	N/A	\$3.00
Total:	\$13.00	\$16.00

All applications filed after March 1 shall be subject to a late fee of \$5 in addition to the fees set forth above.

§ 5-2.6. Expiration Date. [1971 Code § 7-2.6]

Each dog license and registration tag shall expire on the last day of January of the calendar year following the calendar year in which it was issued.

§ 5-2.7. Exceptions. [1971 Code § 7-2.7]

The provisions of this section shall not apply to any dog licensed under Section 5-3 of this chapter. 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.

§ 5-3. PET SHOPS, KENNELS, SHELTERS, AND POUNDS.

§ 5-3.1. License Required. [1971 Code § 7-3.1]

Any person who keeps or operates, or proposes to establish a kennel, pet shop, shelter or pound, shall apply to the Township Clerk for a license entitling him to keep or operate such establishments; such licenses shall

not be transferable to another owner or different premises. Prior to issuance of the license, the applicant shall obtain a written confirmation from the Zoning Officer that the use is permitted in the particular zone where the establishment is located.

§ 5-3.2. Application Information. [1971 Code § 7-3.2]

The application shall contain the following information:

- a. The name and permanent and local address of the applicant.
- b. The street address where the establishment is located, or proposed to be located, together with a general description of the premises.
- c. The purposes for which it is to be maintained.
- d. The maximum number of dogs to be accommodated by such establishment at any one time.
- e. The number of employees or volunteers who work on the premises on a daily basis.

§ 5-3.3. Approval of Health Officer. [1971 Code § 7-3.3]

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 the sanitation at such establishment.

§ 5-3.4. License Term. [1971 Code § 7-3.4]

All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained and all such licenses shall expire on the last day of January of each year.

§ 5-3.5. License Fee. [1971 Code § 7-3.5]

The annual license fees for kennels, pet shops, shelters or pounds shall be as follows:

- a. Kennel accommodating 10 or less dogs, \$10.00.
- b. Kennel accommodating more than 10 dogs, \$25.00
- c. Pet shop, \$10.00
- d. Shelter or pound, no fee.

§ 5-3.6. Compliance with Health Regulations. [1971 Code § 7-3.6]

All licenses issued for a kennel, pet shop, shelter or pound shall be subject to revocation by the Township Committee 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.

Any person holding a license to establish, keep or operate a kennel, pet shop, shelter or pound shall comply with all Township ordinances and the rules and regulations promulgated by the State Department of Health governing the sanitary conduct and operation of kennels, pet shops, shelters and pounds, the preservation of sanitation therein, and the prevention of the spread of rabies and other diseases of dogs within and from such establishments.

§ 5-3.7. Reports to State Health Department. [1971 Code § 7-3.7]

The Township Clerk shall forward to the State Department of Health a list of kennels, pet shops, shelters and pounds licensed within 30 days after the licenses therefor are issued, which list shall include the name and address of the licensee and the type of license issued.

§ 5-3.8. Control of Dogs Off Premises. [1971 Code § 7-3.8]

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

§ 5-4. DISPOSITION OF FEES. [1971 Code § 7-4]

License fees and other monies collected or received under the provisions of this chapter, except the registration tag fees, shall be forwarded to the Township Treasurer (30) days after collection or receipt, and shall be placed in a special account separate from any of the other accounts of the Township this account shall be used for the following purposes only: housing and disposing of dogs seized under this chapter; 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 chapter. Any 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 Township 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.

The registration tag fee of \$1.00 for each dog shall be forwarded within 30 days after collection by the Township Clerk to the State Department of Health.

§ 5-5. DOG CANVASS. [1971 Code § 7-5]

Any person appointed by the Township Committee shall annually cause a canvass to be made of all dogs owned, kept or harbored within the Township and shall report to the Township Clerk, the Board of Health and to 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 person, together with the registration number of each dog; the number of unlicensed dogs owned, kept or harbored by each person, together with a complete description of each unlicensed dog.

§ 5-6. DANGEROUS DOGS.**§ 5-6.1. Definitions. [Ord. No. 97-55]**

As used in this section:

ANIMAL CONTROL OFFICER — Shall mean a Certified Municipal Animal Control Officer as defined in N.J.S.A. 4:19-15.1.

DEPARTMENT — Shall mean the Department of Health.

DOG — Shall mean any dog or dog hybrid.

DOMESTIC ANIMAL — Shall mean any cat, dog or livestock other than poultry.

POTENTIALLY DANGEROUS DOG — Shall mean any dog or dog hybrid declared potentially

dangerous by a Municipal Court pursuant to N.J.S.A. 4:19-23.

§ 5-6.2. Seizure and Impoundment of Dog by Animal Control Officer; Grounds. [Ord. No. 97-55]

- a. The Animal Control Officer shall seize and impound a dog when the Officer has reasonable cause to believe that the dog:
 1. Attacked a person and caused death or serious bodily injury as defined in N.J.S.A. 2C:11-1(b) to that person;
 2. 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;
 3. Engaged in dog fighting activities as described in N.J.S.A. 4:22-24 and N.J.S.A. 4:22-26; or
 4. Has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals, or the likeness of persons or domestic animals.
- b. The dog shall be impounded until the final disposition as to whether the dog is vicious or potentially dangerous. Subject to the approval of the Municipal Health Officer, the dog may be impounded in a facility or other structure agreeable to the owner.

§ 5-6.3. Notice of Seizure and Impoundment; Determination of Identity of Owners; Notice of Hearing; Return of Statement by Owner; Destruction of Dog. [Ord. No. 97-55]

- a. The Animal Control Officer shall notify the Municipal Court and the Municipal Health Officer immediately that he has seized and impounded a dog pursuant to N.J.S.A. 4:19-19, or that he 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 N.J.S.A. 4:19-19. If its owner cannot be identified within seven days, the dog may be humanely destroyed.
- b. 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 N.J.S.A. 4:19-19, notify by certified mail, return receipt requested, the owner concerning the seizure and impoundment, and that, if the owner so requests, a hearing will be held to determine whether the impounded dog is vicious or potentially dangerous. This notice shall also require that within seven days the owner return, by certified mail or hand delivery, a signed statement indicating whether the owner requests 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.

§ 5-6.4. Agreement Between Township and Dog Owner; Settlement and Disposition; Liability of Township; Legal Expenses. [Ord. No. 97-55]

Notwithstanding any provision in N.J.S.A. 4:19-17 et seq. to the contrary, the Township and the owner of the dog may settle and dispose of the matter at any time in such manner and according to such terms and conditions as may be mutually agreed upon. Notwithstanding any provision of N.J.S.A. 4:19-19 to the contrary, neither the Township nor any of its employees shall be liable by virtue of having entered into any settlement agreement pursuant to this action, or for any action or inaction related to the entry into such agreement, for any injuries or damages caused thereafter by the dog. The Township may, as a condition

of the settlement agreement, also require that the owner of the dog hold the Township harmless for any legal expenses or fees the Township may incur in defending against any cause of action brought against the Township notwithstanding the prohibition against such causes of action set forth in this section.

§ 5-6.5. Findings to Declare Dog Vicious; Grounds. [Ord. No. 97-55]

- a. The Municipal Court shall declare the dog vicious if it finds by clear and convincing evidence that the dog:
 1. Killed a person or caused serious bodily injury as defined in N.J.S.A. 2C:11-1(b) to a person; or
 2. Has engaged in dog fighting activities as described in N.J.S.A. 4:22-24 and N.J.S.A. 4:22-26.
- b. 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 Township shall bear the burden of proof to demonstrate that the dog was not provoked.
- c. 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.

§ 5-6.6. Findings to Declare a Potentially Dangerous Dog. [Ord. No. 97-55]

- a. The Municipal Court 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, or the likeness of persons or domestic animals.
- b. A dog shall not be declared potentially dangerous for:
 1. Causing bodily injury as defined in N.J.S.A. 2C:11-1(a) to a person if the dog was provoked, or
 2. Killing a domestic animal if the domestic animal was the aggressor. For the purposes of paragraph b1 above, the Township shall bear the burden of proof to demonstrate that the dog was not provoked.

§ 5-6.7. Order and Schedule for Compliance for Potentially Dangerous Dog; Conditions. [Ord. No. 97-55]

If the Municipal Court 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 Township 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 issued pursuant to subsection 5-6.13 of this section. 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 paragraph a3 herein.
 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 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 any unsuspecting 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 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 Township of Lakewood 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.

§ 5-6.8. Procedures for Appeal. [Ord. No. 97-55]

The owner of the dog or the Animal Control Officer, may appeal any final decision, order or judgment, including any conditions attached thereto, of the 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.

§ 5-6.9. Liability of Owner for Costs of Impoundment and Destruction. [Ord. No. 97-55]

- 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 Township for the costs and expenses of impounding and destroying the dog. The owner shall incur the expense of impounding the dog in a facility other than the municipal depository, 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.

§ 5-6.10. Right to Convene Hearing for Subsequent Actions of Dog. [Ord. No. 97-55]

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

§ 5-6.11. Duties of Owner of Potentially Dangerous Dog. [Ord. No. 97-55]

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, the Police Department 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, the Police Department 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 Licensing Authority, Police Department and Animal Control Officer of that municipality of the transfer of ownership and the name, address and telephone of new owner.
- 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 to the Township as provided by N.J.S.A. 4:19-31.

§ 5-6.12. Violations by Owner; Penalties; Enforcement; Seizure and Impoundment of Dog; Destruction by Order of Court. [Ord. No. 97-55]

The owner of a potentially dangerous dog, who is found to have violated this section or any rule or regulation adopted pursuant thereto, or to have failed to comply with a Court's order shall be subject to a fine of not more than \$1,000 per day of the violation, 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. The 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.

§ 5-6.13. Potentially Dangerous Dog Registration Number, Red Identification Tag and License; Issuance; Telephone Number to Report Violations; Publicity. [Ord. No. 97-55]

The Township 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 the Township will be a three number code assigned to the Township in the regulations promulgated pursuant to N.J.S.A. 4:19-33. The Animal Control Officer shall verify, in writing, compliance to the Township Clerk.

- b. Publicize a telephone number for reporting violations of this section. This telephone number shall be forwarded to the Township Clerk and any changes in this number shall be reported immediately to the Township Clerk.

§ 5-6.14. Fee for Potentially Dangerous Dog License. [Ord. No. 97-55]

Each person who shall own, possess, keep or harbor any potentially dangerous dog or dogs shall obtain an annual license for each dog and shall have the same registered and numbered with the Township Clerk, and for such license shall pay the sum of \$700, as provided in N.J.S.A. 4:19-31, as a license fee for each and every potentially dangerous dog. Said license fee shall be in lieu of any other license fee required pursuant to the Revised General Ordinances of the Township of Lakewood.

§ 5-6.15. Inspection to Determine Continuing Compliance. [Ord. No. 97-55]

The Animal Control Officer shall inspect the enclosure and the owner's property at least monthly to determine continuing compliance with this section.

§ 5-6.16. Deposit and Use of Fines and Fees. [Ord. No. 97-55]

All fines and fees collected or received by the Township pursuant to this section shall be deposited in a special account and used by the Township to administer and enforce the provisions of this section.

§ 5-6.17. Inapplicability of this Section to Dogs Used for Law Enforcement Activities. [Ord. No. 97-55]

The provisions of this section shall not apply to dogs used, or being trained to be used, for legitimate public sector law enforcement activities.

§ 5-7. IMPOUNDING AND DESTRUCTION OF CERTAIN DOGS.

§ 5-7.1. Causes for Impounding. [1971 Code § 7-7.1]

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

- a. Any dog running at large in violation of the provisions of this chapter.
- b. 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.
- c. 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.
- d. Any female dog in season off the premises of the owner thereof or the person keeping or harboring such dog.
- e. Any dog which has been determined to be a vicious dog as provided in Section 5-6, provided that such dogs may also be seized by any Police Officer, and provided further that if such dogs cannot be seized with safety they may be killed.

§ 5-7.2. Access to Premises. [1971 Code § 7-7.2]

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 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 same.

§ 5-7.3. Notice of Seizure. [1971 Code § 7-7.3]

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 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.

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 a person's usual or last known place of abode, or at the address given on the collar, or by forwarding it by certified and regular 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.

§ 5-7.4. Disposition of Unclaimed Dogs. [1971 Code § 7-7.4]

The Animal Control Officer is authorized and empowered to cause the destruction of any unclaimed dog, in as humane a manner as possible, under any of the following circumstances:

- a. When any dog so seized has not been claimed by the person owning, keeping or harboring such dog within seven days after notice or within seven days of the dog's detention when notice has not been or cannot be given, as set forth in the previous subsection.
- b. If the person owning, keeping or harboring any dog so seized has not claimed the dog and has not paid all expenses incurred by reason of its detention, including maintenance, computed pursuant to Title 4 of the New Jersey Statutes, after receiving written notice of charges by the Animal Control Officer. The notice shall be set forth in subsection 5-7.3 above.

§ 5-8. DOG REGULATIONS.**§ 5-8.1. Compliance with Chapter Regulations Required. [1971 Code § 7-8]**

No person shall own, keep or harbor a dog in the Township except in compliance with the provisions of this chapter and the following regulations.

§ 5-8.2. Wearing of Registration Tag. [1971 Code § 7-8.1]

All dogs which are required by the provisions of this chapter to be licensed shall wear a collar or harness with the registration tag for such dog securely fastened thereto.

§ 5-8.3. Use of Registration Tags. [1971 Code § 7-8.2]

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.

§ 5-8.4. Interference with Official Duties. [1971 Code § 7-8.3]

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

§ 5-8.5. Noise; Disturbing the Peace. [1971 Code § 7-8.4; amended 5-12-2022 by Ord. No. 2022-17]

No person shall own, harbor, maintain or keep on any premises within the Township of Lakewood any dog or animal causing a nuisance and disturbing the peace and quiet of the neighborhood in which it is kept, whether said nuisance or disturbance of the peace is caused by excessive, loud or continuous barking, crying or loud and continuous making of any similar sounds between the hours of 8:00 p.m. and 8:00 a.m.

§ 5-8.6. Running at Large. [1971 Code § 7-8.5]

- a. No person owning, keeping or harboring any dog shall permit the dog to run at large or menace a neighborhood by running without controls upon the public streets or any public park or any public building or any other public place within the Township [Amended 5-12-2022 by Ord. No. 2022-17]
- b. No person owning, keeping or harboring any dog shall permit it to run at large upon any private property of third persons without the consent of said third persons.
- c. Any dog found running at large pursuant to the terms of paragraphs a and b hereinabove shall be deemed to be doing so with the permission of the owner, keeper or harbinger and such person shall be deemed to be in violation of this subsection, for which either a summons or warrant may be issued.

§ 5-8.7. Leashing of Dogs Required. [1971 Code § 7-8.6]

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

§ 5-8.8. Property Damage; Annoyance of Other Persons. [1971 Code § 7-8.7; Ord. No. 2005-93 § 2]

- a. Purpose. The purpose of this subsection is to establish requirements for the proper disposal of pet solid waste in the Township of Lakewood so as to protect the health, safety and welfare of all those residing within the Township. It is further the purpose of this section to prescribe penalties for failure to comply.
- b. No person owning, harboring, keeping or in charge of any dog shall cause or allow such dog to soil, defile, defecate on, or commit any nuisance on any common thoroughfare, sidewalk, passageway, by-path, play area, park, or any place where people congregate or walk, or upon any private property, without the permission of the owner of the property.
- c. Any person owning, harboring, keeping or in charge of any dog which soils, defiles, defecates on, or commits any nuisance on any common thoroughfare, sidewalk, passageway, by-path, play area, park, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property not owned or possessed by that person, shall immediately remove all feces deposited by the dog in a sanitary manner.
- d. The feces removed from the aforementioned designated areas shall be disposed of by the person owning, harboring, keeping or in charge of the dog by the use of a leak-proof container, sealed, nonabsorbent disposal bag, or in any other sanitary manner approved by the Department of Health.

- e. Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.
- f. No dog owner shall suffer or permit his dog to annoy neighbors and other persons living within the immediate vicinity in the Township by interfering with the enjoyment of their property, interfering with their sleep or rest or otherwise annoying them in the enjoyment of their property in a substantial manner, by barking and howling.
- g. No dog owner shall suffer or permit his dog to trespass upon the property of other persons in the Township nor suffer or permit his dog to damage shrubbery, flowers, gardens or to soil or defile any other property of any kind or character belonging to the Township, any neighbor or other person in the Township of Lakewood.
- h. Enforcement. The provisions of this subsection shall be enforced by the Animal Control Officer, Animal Warden, Police Officer or other person whose duty it shall be to enforce the provisions of this chapter.
- i. Violations and Penalty. Any person(s) who is found to be in violation of the provisions of this subsection shall be subject to a fine not to exceed \$500 for each and every violation.

§ 5-9. DOG BITES. [1971 Code § 7-9]

Where it has been determined by a physician that a person has been bitten by a dog, such individual, or his parent or guardian if he is a minor, shall immediately notify the Board of Health. When the owner or keeper of a dog shall be notified by the police that the dog has bitten any individual, the owner or keeper of the dog must comply with the following procedures:

- a. Have the dog examined by a licensed veterinarian within 12 hours.
- b. Have the dog kept in quarantine in the owner's home or at a kennel for a period of 10 days.
- c. At the end of 10 days have the dog reexamined by a veterinarian and a written report of the dog's state of health sent to the Board of Health.

§ 5-10. QUARANTINE OF DOGS AND CATS. [1971 Code § 7-10]

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

§ 5-11. NUMBER OF DOGS IN MULTIPLE DWELLING UNITS. [1971 Code § 7-11]

No more than three dogs shall be allowed in any dwelling unit of a multiple dwelling.

§ 5-12. VIOLATIONS; PENALTY. [1971 Code § 7-12; New; Ord. No. 2008-38 § 1]

Any person who shall violate any provision of this chapter, unless otherwise provided for, shall, upon conviction thereof, be liable to a fine as follows:

- a. 1st Offense. A fine of not more than \$200;
- b. 2nd Offense. A fine of not less than \$200 and not to exceed \$300;
- c. 3rd Offense. A mandatory fine of \$500, and community service of not more than 40 hours and/or up

to 10 days, or both, in the Ocean County Jail.

§ 5-13. ENFORCEMENT.

§ 5-13.1. Appointment of Dog Warden; Process for Violations. [1971 Code § 7-13]

The Township Committee shall have the power to appoint a Dog Warden or other person or Police Officer whose duty it shall be to enforce the provisions of this chapter. The official appointed to enforce this chapter shall, in all instances of violations of any section of this chapter except a violation of the rules and regulations of the State Department of Health covering kennels, pet shops, shelters and pounds, file a complaint in the Municipal Court for such violations and may issue either a summons or warrant. The warrant may be issued without any order of the Court first being obtained against the person so charged. The process, if in the nature of a warrant, shall be returnable in not less than five nor more than 15 days. The process shall particularly set forth the section of this chapter or rule or rules alleged to have been violated by the defendant. The Judge of the Municipal Court may at any time amend all defects and errors in the complaint process.

§ 5-13.2. Complaints. [1971 Code § 7-13.1]

In any proceeding before the Judge of the Municipal Court then find that the dog in question has committed the prohibited act as set forth herein, then there shall be a presumption that the defendant owner, possessor or harbinger has suffered or permitted the dog to commit the prohibited acts alleged in the complaint and it shall not be necessary that the complainant prove the defendant's knowledge, or intention or scienter; provided, however, that in such case, it shall appear in such proceeding that if complainant had on at least one other previous occasion lodged a complaint with the Police Department charging the same defendant with the same offense and that the defendant had notice of such previous complaints.

§ 5-14. ANIMALS AT LARGE.

§ 5-14.1. Prohibited. [1971 Code § 4-9.1]

No person shall permit any horse, cattle, swine, sheep, goat or other animal to run at large within the Township.

§ 5-14.2. Impounding of Animal. [1971 Code § 4-9.2]

Any horse, mule, cattle, swine, sheep, goat or other animal found running at large may be taken by any person to a public pound. It shall be the duty of the Poundkeeper to receive and confine the animal until it is either lawfully redeemed or sold.

§ 5-14.3. Disposition of Animal. [1971 Code § 4-9.3; New]

If the owner of any animal impounded applies to the Poundkeeper for its redemption and pays the required fees pursuant to Title 4 of the New Jersey Statutes for each animal impounded, the animal shall be delivered to its owner. Any impounded animal not redeemed by its owner within seven days after impounding shall be sold by the Poundkeeper in the same manner and subject to the provisions as to notice and disposition of the proceeds of the sale, as provided by law.

§ 5-14.4. Exception. [1971 Code § 4-9.4]

This section shall not apply to dogs.