ORDINANCE 6 - 2010
ORDINANCE AMENDING CHAPTER 51 OF THE WOODBURY HEIGHTS CODE, IN PART, AND REPEALING SECTIONS 51-5 THROUGH SECTION 51-46 AND TO OTHERWISE ESTABLISH REGULATIONS AND REQUIREMENTS FOR THE PURPOSE OF THE CONTROL, PROTECTION AND LICENSING OF CERTAIN DOMESTICATED ANIMALS AND THE PROTECTION OF PERSONS AND PROPERY IN THE BOROUGH OF WOODBURY HEIGHTS, COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY

WHEREAS, the Borough intends to hereby adopt regulations designed to promote and protect the public health, safety and general welfare with regard to hazards relating to domesticated animals as hereinbelow defined; and

WHEREAS, regulations and requirements to protect persons and property relating to the ownership, housing, harboring and care of domesticated animals is deemed necessary to protect and promote the public health, safety and welfare and to provide for the proper and lawful care and control of such animals; and

WHEREAS, the further amendment of a part of Chapter 51 of the Woodbury Heights Code, and the repeal of certain provisions thereof, is necessary to the accomplishment of the aforesaid purposes;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Woodbury Heights that Sections 51-5 through and inclusive of Section 51-46 of the Woodbury Heights Code are hereby repealed;

BE IT FURTHER ORDAINED that in place of the aforesaid repealed Sections of Chapter 51, the following is hereby enacted in substitution thereof:

ARTICLE II

51-5. Title.

51-6. Definitions

51-7. Permitted dogs or cats.

51-8. Licensing and vaccination - Requirements; exemptions.

51-9. Licensing violations.

51-10. Potentially Dangerous Dogs.

51-11. Outdoor Maintenance of Animals.

51-12. Nuisances; prohibited acts.

51-13. Impounding of dogs and cats.

51-14. Quarantine of animals.

51-15. Enforcement.

51-16. Interference prohibited.

51-17. Violations and penalties.

51-5. TITLE.

This chapter shall be known as the "Wood bury Heights Animal Control Ordinance."

51-6. DEFINITIONS.

The words hereinafter defined shall have the meanings herein prescribed for the purposes of this chapter as follows:

ABANDONED ANIMAL: An animal of any age which has been left unattended, unclaimed, unlicensed, or at large for a period of 72 hours or more.

ALTERED OR STERILIZED: Any method utilized to prevent reproduction of a dog or cat.

ANIMAL: For the purposes of this ordinance, an animal refers to a dog, cat, or domesticated animal.

ANIMAL HOUSING: A structure used for housing an animal outdoors on private property or business property.

APARTMENT COMPLEX: A multiple dwelling containing six dwelling units or more.

AT LARGE: An unrestrained animal off the premises of the owner.

BOROUGH OFFICIAL: Any Borough Code Enforcement Official, Borough Police Department Officer, Gloucester County Animal Control Officer, the Municipal Clerk, or any other official or person assigned or designated by Mayor and Council.

CAT: Any animal of the feline species (Felis catus).

COMMERCIAL KENNEL: An establishment for the treatment, care, boarding, or training of dogs or cats for a fee, or a place where dogs or cats are bred for resale or for a fee; and where the business is a source of income; and where such establishment has been currently inspected and approved for use by the Gloucester County Health Department or any applicable State Agencies.

DOG: Any animal of the canine species (Canis familiaris) except dingoes.

DOG OR CAT OF LICENSING AGE: Any dog or cat which has attained the age of six months or which possesses a set of permanent teeth.

DOMESTICATED ANIMAL: An animal tamed and adapted to live in close association with and to the benefit of humans.

LEASHED: Restrained by a leash no greater than six feet in length, attached to a collar or harness of sufficient strength to restrain the animal and which shall be held by a person having the ability to control the animal at hand.

OWNER: Any person having a right of property in any animal, or any person who has an animal in his/her custody, or any person offering or allowing access to food, water, or shelter to an animal, or any person exercising control over an animal or permitting, allowing or suffering an animal to remain on premises under his/her control, or anyone who takes an animal out into the public streets, sidewalks or public ways.

PERSON: An individual, partnership, corporation or other entity.

POTENTIALLY DANGEROUS DOG: Any dog or dog hybrid declared potentially dangerous by a municipal court pursuant to section 7 of P.L.1989, c.307 (N.J.S.A. 4:19-23).

PROPERTY: A lot with a dwelling unit or dwelling units on it or a non-residential property having a structure, building or other improvements thereof except a shelter or commercial kennel defined herein.

SHELTER: An establishment for the confinement of dogs or cats seized under the provisions of this ordinance.

STRAY ANIMAL: An animal having no known owner or custodian or has no owner information or identification attached.

TETHER: To confine an animal with rope, chain, or similar material by which an animal is fastened so that it is able to range or feed only within certain limits.

VICIOUS DOG: Any dog or dog hybrid declared vicious by a municipal court pursuant to section 6 of P.L.1989, c.307 (C.4:19-22).

51-7. Permitted dogs or cats.

A. Number of dogs/cats permitted. A property within the Borough/Municipality shall be limited to three dogs and three cats, with the exception of those having a valid commercial kennel license.

B. Grandfather Clause. Notwithstanding Subsection A of this section, an owner who, as of the effective date of this Ordinance, possesses more than three dogs and/or three cats shall be permitted to keep and maintain said number of dogs and/or cats as long as all such-dogs and/or cats are properly licensed and altered or sterilized in accordance with the requirements of this chapter as of that date. An owner shall be entitled to maintain the presently existing number of dogs and/or cats greater than the number permitted by this chapter until such dog and/or cat dies or is otherwise transferred out of the Borough. When one of the number of dogs and/or cats in excess of the number permitted by this chapter shall die or be transferred out of the Borough, such animal may not be replaced unless and until the number of dogs or cats owned or possessed by said owner is in compliance with this chapter.

C. Application for Waiver. An owner desirous of owning and maintaining a number of dogs or cats in excess of that permitted by this chapter shall have the right to make application to the Borough/Municipality Board of Health for a waiver of the maximum number of animals permitted under this chapter. The application for a hearing before the Board of Health must be submitted not less than 10 days prior to a regularly scheduled Board of Health meeting, with notice published in the official newspaper of the Borough/Municipality not less than 10 days prior to said meeting, and giving written notice to all property owners within 200 feet of the applicant's property. The applicant shall obtain a certified list of all property owners within 200 feet of his/her property from the Borough Tax Assessor's office Notice requirements herein shall be accomplished by the Applicant at Applicant's expense.

1) Type of Notice. Notice must be made to all property owners within 200 feet of the applicant's property by regular and certified mail, return receipt requested, with

proof of service being presented to the Board of Health at the time of the hearing with an affidavit setting forth that the mailing has been made to the appropriate property owners.

2) Form of Notice. The notice shall set forth the following:
   a) Name and address of the applicant.
   b) The address and lot and block number of the household or dwelling unit for which the applicant is requesting a number of dogs and/or cats in excess of the ordinance requirement.
   c) The nature of the waiver requested, setting forth the number of dogs and/or cats total and the number of dogs and/or cats requested in excess of the ordinance requirement.
   d) The date, time and place of the hearing before the Board of Health.
3) Considerations for granting of waiver, burden of proof and vote. By majority vote of quorum of the Board of Health, the Board may grant or deny an application for a request for a waiver based upon a preponderance of evidence that the applicant has demonstrated good cause for the granting of such waiver. In examining whether or not a waiver should be granted, the Board of Health shall consider the following:
   a) The size of the property of the applicant where the dogs and/or cats are intended to be kept.
   b) The distance between the location of where the dogs and/or cats are intended to be kept on the applicant's property and the physical location of an adjacent property owner's home or dwelling unit.
   c) Whether the applicant's household is an apartment, condominium or townhouse or a single-family detached dwelling.
   d) Whether the applicant's property is fenced so as to shield the cats and/or dogs from the sight of the surrounding property owners.
   e) Whether the dogs and/or cats are kept in the applicant's home or remain primarily outside of the applicant's home.
   f) The breed and size of each dog or cat.

g) Any prior history of complaints filed against the applicant for violation of this Chapter, or any previous ordinances pertaining to Animal Control, or any violation of state statutes pertaining to Animal Cruelty.

h) The zoning district of the applicant's property.

i) Whether the dogs and/or cats serve some purpose related to the applicant's use of his/her property, i.e., whether the dogs are utilized for security, or cats utilized for rodent control.

j) For other such reasons as the Board may feel appropriate to consider according to the case, facts and circumstances presented to the Board.

4) State number of dogs and/or cats. Should the Board grant the applicant's request for a waiver, the Board shall set the number or dogs and/or cats permitted for the applicant's household or dwelling unit in excess of that permitted by the ordinance.

5) Revocation of Waiver. A waiver granted by the Board of Health to an applicant for a waiver may be revoked by the Board by proper application made by a Borough official, member of the Borough Police Department or an individual by making application to the Board of Health at least 10 days prior to a Board of Health meeting and by serving notice upon the owner by regular and certified mail, return receipt requested, of the application for revocation of the waiver. The notice shall also include a factual basis for the requested revocation. A hearing shall then be held by the Board of Health on the application for revocation. The Board will evaluate the application for revocation of waiver based upon the same criteria previously set forth herein under Subsection C(3)(a) through (j) of this chapter.

51-8. Licensing and vaccination requirements; exemptions.

A. License Requirement. No person shall own, keep, harbor, or maintain any dog or cat over six months of age within the Borough unless such dog or cat is licensed. The provisions of this section do not apply to dogs or cats held by a state or federally licensed researched facility, a veterinary establishment, shelter, pound, licensed

commercial kennel, or pet shop. No dog or cat may be licensed without proof of vaccination as detailed below.

B. Dogs or cats subject to the licensing requirement. Any dog or cat is subject to the following licensing requirements:

1) Any dog or cat acquired by any person during the course of any calendar year and kept within the Borough for more than 10 days after acquisition.
2) Any dog or cat attaining licensing age during the course of the calendar year.
3) Any unlicensed dog or cat brought into the Borough by any person and kept within the Borough for more than 10 days.
4) Any dog or cat licensed by a Borough or municipality of another state brought into the Borough by any person and kept within the Borough for more than 90 days.

C. Previously licensed pets. Only one license and registration tag shall be required in any licensing year for any dog or cat owned in New Jersey, and a license and tag issued by any other municipality in this state shall be accepted by the Borough as evidence of compliance with this section. However, upon the expiration of the license for that dog or cat issued by another municipality of this state, said dog or cat shall be so licensed in accordance with this chapter. The owner of any such dog or cat shall provide to the Borough a copy of the license which was issued by the other municipality.

D. Licensing fees.

1) All dogs and cats within the limits of the Borough shall be licensed in accordance with New Jersey Law, and the licensing fee therefore shall be as follows:

a) For altered or sterilized dogs or cats: $8.20
b) For non-altered or sterilized dogs or cats: $11.20
c) Commercial Kennel: $10.00 if under ten (10) dogs and cats and $25.00 if ten (10) or more.
d) A dog deemed as a Potentially Dangerous Dog: $700.00

2) A late fee of $15.00, in addition to the fees set forth above, shall be imposed upon an owner where a dog or cat within the Borough limits qualifying for a license on the first day of each year is not licensed on or before the 31st day of January of each calendar year.

E. Vaccination. All dogs and cats within the Borough shall be vaccinated against rabies in accordance with the following:

1) Vaccination shall be performed by a veterinarian licensed to practice in the State of New Jersey. The vaccine used shall be from a manufacturer licensed by the Bureau of Animal Husbandry of the United States Department of Agriculture or such other agency as shall be approved by the State Department of Health. The dosage shall be as recommended by the manufacturer. All dogs and cats shall be revaccinated before the expiration of the period of time for which the vaccine used is known to be effective.

2) The Health Officer may exempt any dog or cat from the provisions of this subsection if there is presented to him/her a certificate from a licensed veterinarian stating that it would be undesirable to vaccinate a particular dog or cat for a specified period of time because of the animal's age, infirmity or other physical condition.

3) No vaccination shall be required for any dog or cat confined to a licensed kennel, pet shop, shelter, pound or veterinary hospital.

4) The fact that a dog or cat has been vaccinated against rabies shall be evidenced by a certificate from the veterinarian performing the vaccination. The certificate shall either be on a form approved by the Health Officer or a State or County Board of Health Officer or a standard immunization certificate shall be used by the veterinarian. The certificate shall be presented to the Health Officer within 10 days after each vaccination. In the case of dogs or cats vaccinated before being brought into the Borough, the certificate shall be presented to the Health Officer within 10 days after the animal is brought into the Borough.

5) No dog or cat license shall be issued until the certificate indicating that it has been vaccinated against rabies or the certification that it is not necessary to vaccinate the dog or cat is endorsed by the Borough Health Officer or other designated person has been presented to the Borough Clerk.

F. Wearing of collar and registration tag. All dogs and cats for which licenses are required by the provisions of this chapter shall wear a collar or harness with the registration tag for such dog or cat securely fastened to it. No person, except an appropriate officer in the performance of his or her duties, shall remove a registration tag from the collar of any dog or cat without consent of the owner, nor shall any person attach a registration tag to a dog or cat which was not issued in accordance with this chapter.

51-9 Licensing Violations.

Any dog or cat owner who shall suffer, allow or permit any licensed or unlicensed dog; licensed or unlicensed non-altered or non-sterilized cat to run at large without the tag as provided by law shall be guilty of a violation of this chapter.

51-10 Potentially Dangerous Dogs.

If the municipal court declares any 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 section 2 of P.L.1941, c.151 (C.4:19-15.2), for ***a special municipal potentially dangerous dog license***, municipal registration number, and red identification tag issued pursuant to section 14 of this act. 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 (3) of this subsection;

(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.

Appeal of Decision. 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 P.L.1989, c.307 (C.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.

51-11 Outdoor Maintenance of Animals

A. GENERAL REQUIREMENTS.

No person shall at any time cause or allow any dog, cat, or domesticated animal to be kept outside on private or public property within the Borough except that:

1. The animal shall have access to and be ***provided with suitable and edible food*** of sufficient quantity on a daily basis and replenished at a minimum of every 12 hours.
2. The animal shall at all times have access to and ***be provided with clean water*** (cool in summer and unfrozen in winter).
3. The animal shall have access to an area to defecate or urinate separate from the areas where it must eat, drink, or lay down.
4. ***Fecal matter must be removed*** on a daily basis and within 12 hours of being deposited.
5. The primary area where the animal is kept must be located ***behind the principal dwelling*** on the property.
6. It shall be prohibited to allow any dog, cat, or domesticated animal to be ***kept outdoors at any vacant structure*** or premises at any time.

B. ANIMAL HOUSING.

No person shall keep, use, or maintain a dog, or domesticated animal outdoors, other than a cat on any Property unless such animal has access to housing meeting all of the following requirements:

1. The housing shall be provided ***with five (5) weatherproof sides***, including a top, a bottom and a minimum of three (3) sides. The housing must have an entrance covered by a self closing swinging door or covering or an "L" shaped entrance to prevent the wind and elements from entering the house.
2. The housing must be moisture proof, weather tight, and ***maintained in good repair***.
3. The housing must be ***placed in a dry area*** free of debris, feces, and standing water.
4. The housing area shall be ***maintained in a clean and sanitary condition***.
5. If multiple animals are present in one location, ***each animal must have*** separate and clean housing.

C. RESTRAINTS.

In addition to the housing requirements of Subsection B., no person shall keep, use, or maintain a dog, or domesticated animal, other than a cat, outdoors on any premises unless such an animal is either tethered in accordance with Subsection D., or kept within a fence in accordance with Subsection E.

D. TETHERING.

The fastening, chaining, tethering or other restraint system (other than a fence) of any dog, or domesticated animal, other than a cat must meet all of the following requirements:

1. Any restraint system shall be situated and terminate ***no less than 10 feet from any adjacent property*** boundary.
2. Any restraint system must be situated and terminate ***no less than 5 feet from any fence, pool, wall, vehicle, tree, or any other*** object or obstruction upon which any animal may harm itself.
3. The tether is to be constructed of a secure lightweight material that ***shall not exceed 1/8 of said animals total body weight***.
4. The animal must be provided with a properly fitting harness or buckle type collar. Such collar attaching the tether to the animal shall be ***constructed of leather, nylon, or comparable material***. Said collar shall be maintained in good condition. Metal and choke collars are prohibited.
5. The tether shall be ***at least 15 feet in length*** and not less than three and a half (3½) times the length of the animal, whichever is longer, as measured from the animals nose to the base of it's tail.
6. The tether shall be provided with ***swivels at both ends*** and shall be maintained tangle free.
7. ***Tethered animals must be altered or sterilized***.
8. The tethered animal shall have ***access to adequate Animal Housing*** in accordance with Subsection B of this ordinance.
9. It shall be ***prohibited to tether any animal less than six (6) months*** of age.

10. It shall be prohibited to tether animals to barrels, vehicles, ***any object which is not stationary***, or other objects which may harm or injure the animal.
11. The tether area must be kept clean and ***clear of any debris*** that may harm or cause any dog or cat to become entangled.
12. Any owner who chooses to ***tether a cat must comply*** with the above standards.

E. FENCING.

A fence for the purpose of restraining any dog, or domesticated animal, other than a cat, must meet all of the following requirements:

1. The animal confined within a fence must have adequate space for exercise and movement, which shall ***not be less than 100 square feet***.
2. The fencing shall be ***constructed and maintained*** as to prevent the animal from leaving or escaping the fenced area and to prevent other animals from entering the fenced area.

51-12. Nuisances; prohibited acts.

A. Habitual barking: No person shall own any dog which habitually cries or barks in a manner which would annoy or disturb a reasonable person. An "annoyance or disturbance," for the purpose of this section, shall be defined as barking, howling or crying continuously for a period of ***10 minutes or more or intermittently for 30 minutes*** or more. A violation of this section shall subject the owner of the offending dog to the penalties for a violation of this chapter.

B. Running at large: leash required; certain public places prohibited. No person owning a dog shall permit it to run at large upon the public streets, public

parks, public buildings or in any other public place within the Borough nor permit a dog to run at large upon private property without the permission of the owner. No person owning a dog shall permit it upon the public streets or in any other public place in the Borough unless the dog is properly displaying a tag as required and accompanied and controlled by a person over the age of 10 and is securely fastened to a leash. Notwithstanding the provisions of this section, it shall be a violation of this chapter for any person owning, keeping or harboring any dog to suffer or permit such dog, whether on a leash or not, to be upon any parks, recreation or athletic fields owned, maintained or operated by the Borough or upon any property owned, maintained or operated by a Board of Education within the Borough.

C. Non-altered or non-sterilized cat running at large prohibited: It shall be a violation of this chapter for the owner of any cat, where such ***cat has not been altered or sterilized*** (and proof is shown thereof by the owner) and licensed in accordance with requirements of this chapter and properly displaying a tag as required, to allow such cat to run at large within the Borough.

D. Damage to property prohibited. No person owning or in control of a dog or cat shall allow it to damage or defecate upon any lawn, shrubbery, flowers or grounds of any public park, public building or other public place within the Borough or upon any private property.

E. Damage or injury to other property, pets, or persons prohibited: It shall be a violation of this chapter for an owner of a dog or cat to suffer, allow, or permit the following prohibited acts:

1) ***Bite, chase, jump upon, interfere with***, or otherwise impede pedestrian traffic or the mobility of any person on public property or within a public sidewalk or right-of-way.

2) Chase, leap upon, interfere with, or otherwise impede the progress of any

bicyclist or other person utilizing self-powered transportation or motor vehicle or motorized transportation on any public or private road, public property, or within a public right of way vehicle.

3) ***Barks, growls, or otherwise displays aggressive behavior*** towards a human being and places in such person a reasonable apprehension of bodily harm or injury.

4) ***To destroy or damage*** any structure or equipment on any public park, public building, other public place or upon any private property.

F. Defecation on public or private property prohibited; exception,

1) No person owning, harboring, keeping or in charge of any dog or cat shall cause, suffer or allow such a dog to soil, defile, or defecate on or commit ***any nuisance on any common thoroughfare***, sidewalk, passageway, bypass, park, open space area or any place where people congregate or walk or upon any public property whatsoever, or upon any private property without the permission of the owner of the property.

2) Notwithstanding anything contained in Subsection F(1) to the contrary, the restrictions as set forth above shall not apply to that portion of the street lying between the curb lines or, if no curbs are present, within the paved cartway of a street which shall be used to ***curb such dog*** upon the following conditions:

a) The person who curbs the dog shall immediately remove feces deposited by the dog by a sanitary method, such as in a sealed, nonabsorbent, leak proof container (i.e., plastic bag).

b) The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog curbed in a sanitary manner but shall not be placed in a public trash receptacle or storm drain.

3) Any owner or person in custody of any dog or cat being walked upon any common thoroughfare, sidewalk, street, passageway, path or any place

where people congregate must have in their possession a sealed, nonabsorbent, leak proof container as described in Subsection F(2)(a) above, and appropriate materials or devices to remove feces deposited by the animal. The failure to possess such container and materials to clean up feces deposited by the animal shall constitute a violation of this chapter.

4) The requirements of this section shall not apply to the owner of any dog when said dog is utilized as a guide for any person or owner who is legally blind.

G. Placement of food outside a residence without a licensed pet prohibited. No person shall place food for dogs or cats outside of their home unless they are the owner of a licensed dog or cat and such food is intended solely for their dog or cat.

H. **Habitual Crying (Cats):** No owner of any cat shall cause or permit any habitual crying or howling in a manner which would annoy or disturb a reasonable person. The phrase "annoy or disturb", for the purposes of this subsection, shall be defined as howling, crying or similar noise extending for a period of 10 minutes or more or intermittently for thirty minutes or more. A violation of this subsection shall subject the owner of the offending cat to the penalties for violations of this chapter.

51-13. Impounding of dogs and cats.

A. Impounding, right of entry and notice to owner.

1) Any Borough Official of the Borough empowered to perform any duty under this chapter is hereby authorized to take into custody and impound any of the following dogs or cats:

a) Any dog or cat off the premises of the owner which such appropriate officer has reason to believe is a stray.

b) Any dog running at large upon the public streets, public parks, public buildings, or in any other public place within the Borough.

c) Any dog or cat off of the premises of the owner without a current registration tag on its collar.

d) Any female dog in season off of the premises of the owner.

e) Any cat that has not been altered or sterilized.

2) If any dog or cat impounded and seized that is wearing a registration tag attached to its collar or harness, having inscribed on it or attached to it the name and address of any person or the owner of the dog, a notice shall be given in writing and served on the premises of the person or owner within 24 hours of the seizure stating that the dog or cat has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the service of the notice. Notice may be served either by delivering it in 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 dog or cat's collar or by forwarding it by mail in a prepaid letter addressed to that person at such address.

3) Any officer authorized or empowered to perform any duty under this chapter is hereby authorized to go upon any premises to seize for impounding any such dogs or cats when such officer is in immediate pursuit of such animal.

B. Destruction of impounded dogs or cats. When any dog or cat has been detained for seven days after notice as set forth above has been given, or has been detained for seven days after seizure when notice has not been given due to the owner of such animal being unknown, and that the owner or person keeping or harboring the dog or cat whose name is on the tag of the registration has not claimed the dog or cat and paid all expenses incurred by reason of its detention, including any applicable redemption, maintenance, or other fees, and the appropriate licensing fees paid in full and proof of vaccination produced, the dog or cat may be destroyed in an appropriate and humane manner or may be adopted by a responsible party. All fees as set forth herein shall be paid to the Borough Official empowered to receive such fees.

51-14. Quarantine of animals.

A. Biting of person by dog or cat. When any dog or cat bites a person, the Borough Official may order the owner of the dog or cat to confine it, either on the owner's

premises, or at any other reasonable location at the owner's sole cost and expense which the officer shall designate, for a period of not less than 10 days.

B. Examination of confined animal. The Borough Health Officer, Officer of the County Board of Health, or Borough official shall have the right to examine any dog or cat confined under the provisions of Subsection "A" herein at any time, including daily examinations for a period of 10 days after the dog or cat has attacked or bitten any person, to ascertain whether the animal shows signs or symptoms of rabies.

C. Release of animals confined. Following the passage of 10 days as required by Subsection "A" herein, an animal so quarantined shall be released, but only upon the issuance of a certificate of release which shall indicate that the animal appears to be healthy and free from rabies. Said certificate shall be maintained by the appropriate Borough official, and a copy shall be provided to the owner and individual bitten by the animal upon its release.

51-15. Enforcement.

A. The Borough Official shall enforce the provisions of this chapter. Nothing herein shall prohibit a private citizen from bringing or signing a complaint for an alleged violation of this chapter.

B. Compliance with Requirements. Any owner of an animal within the Borough, by the act of owning such animal does thereby authorize the Borough Official to enter the property where such animal is kept to investigate any alleged or suspected violation of any provision of this Chapter.

51-16.

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

51-17. Violations and penalties.

Any person found to be in violation or found to have failed to comply with any of the provisions of this chapter shall, upon conviction thereof, be subject to a fine of not less

than $100.00 and not more than $1,000.00 and court costs; or imprisoned for a term not to exceed 90 days, or both, in the county jail. Each day of such violation or failure to comply shall constitute a separate offense and, therefore, are not subject to merger either for the purposes of the violation or imposition of fines and penalties.

BE IT FURTHER ORDAINED that all Ordinances, or parts of Ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency and all Ordinances, or parts of Ordinances, consistent herewith are hereby saved from repeal to the extent of such consistency;

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its adoption, publication and as otherwise provided by law except that the provisions of Sections 51-8 and 51-9 hereof pertaining to cats shall be effective on and after January 1, 2011.

BOROUGH OF WOODBURY HEIGHTS

BY: _____

HARRY W. ELTON, JR., MAYOR

ATTEST: _____

JANET PIZZI, CLERK/ADMINISTRATOR

NOTICE

The foregoing Ordinance was introduced at a Regular Meeting of the Mayor and Borough Council of the Borough of Woodbury Heights conducted on February 17, 2010 and will be considered for final hearing and adoption at a meeting to be held on the 17 day of March, 2010, at 7:30 P.M., at which time any objections hereto may be heard.

_____

JANET PIZZI, BOROUGH CLERK

PUBLIC NOTICE

ORDINANCE 6-2010

ORDINANCE AMENDING CHAPTER 51 OF THE WOODBURY HEIGHTS CODE, IN PART, AND REPEALING SECTIONS 51-5 THROUGH SECTION 51-46 AND TO OTHERWISE ESTABLISH REGULATIONS AND REQUIREMENTS FOR THE PURPOSE OF THE CONTROL, PROTECTIONAND LICENSING OF CERTAIN DOMESTICATED ANIMALS AND THE PROTECTION OF PERSONS AND PROPERTY IN THE BOROUGH OF WOODBURY HEIGHTS, COUNTY OF GLOUCESTER AND STATE OF NEW JERSEY

Notice is hereby given that the above Ordinance was adopted at a regular meeting of the Mayor and Borough Council of the Borough of Woodbury Heights held on the 17th day of March 2010.

Janet Pizzi

JANET PIZZI, BOROUGH CLERK