

ORDINANCE NO. 2010-09

BOROUGH OF AUDUBON PARK, NEW JERSEY

ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, REPEALING AND REPLACING ALL PREVIOUS DOG LICENSING AND LEASH LAWS- DOGS, GENERAL REGULATIONS

WHEREAS, the Borough of Audubon Park adopted Ordinances No. 3 and 19, and amendments to those Ordinances, which set forth regulations concerning dogs in Audubon Park; and

WHEREAS, the aforementioned Ordinances have been determined by the Mayor and the Borough Council of the Borough of Audubon Park to be in need of revision and modification; and

WHEREAS, as a result of the above, the Mayor and Borough Council of the Borough of Audubon Park have deemed it in the best interest of the public health, safety and welfare to repeal and replace said Ordinances.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Audubon Park, County of Camden, State of New Jersey, as follows:

SECTION I. Ordinance No. 3, dated 1947 and all subsequent amendments are hereby repealed and replaced by this Ordinance.

SECTION II. Ordinance No. 19 and all subsequent amendments are hereby repealed and replaced by this Ordinance.

SECTION III. Dogs: General Regulations

License and registration tag required.

A. Any person who shall own, keep or harbor a dog of licensing age in the Borough of Audubon Park shall annually apply for and procure from the Borough Clerk a license and registration tag for each such dog so owned, kept or harbored and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto.

B. A person applying for the license and registration tag shall pay a total annual fee of \$11.00 for each dog that is not spayed/neutered, and \$5.00 for each dog that is spayed/neutered. Said license, registration tags and renewals shall expire on January 31 in each year and such licenses and registration tags are not transferable from one dog to another. If the owner provides a valid rabies immunization certificate, a dog license can

be issued for up to 3 years at the sum of the annual fee described above. Said fees received under this Section shall not be refundable.

C. All owners shall register their dogs annually in January of each year unless a 3 year license is issued as described above. Any person who fails to obtain a license and registration tag in accordance with provisions herein, shall be liable to a fine of \$25.00 for the first offense, \$50.00 for the second offense and \$100.00 for the third offense, plus mandatory court appearances required. The first two may be paid to the Municipal Court Violations Bureau upon receipt of summons issued by the Haddon Township Police Department or an authorized person or said person shall be required to appear in Municipal Court.

D. "Owner", when applied to the proprietorship of a dog, shall mean and include every person having a right of property in such dog and every person who has such dog in his keeping. The owner must be at least 18 years of age. If the owner is less than 18 years of age, a parent or legal guardian shall become co-owner of the dog or dogs and assume full responsibility, in lieu of the minor, in order to comply with provisions in this Ordinance, which includes obtaining a license under the name or names of either the parent or guardian or under both the parent and minor or guardian and minor.

E. Any dog under six months of age need not be licensed.

F. Such license shall be kept in the office of the Borough of Audubon Park, who shall furnish the owner or keeper of the same with a certificate signed by him and stating the registered number of the dog, its sex, kind and the name of its owner or custodian, which certificate shall be valid and effective only from the time of its issuance until the first day of January, the following year.

G. No dog shall be permitted to remain in the limits of the Borough of Audubon Park unless registered or licensed in the manner aforesaid. Any keeper or owner failing to have such dog or dogs registered in accordance herewith and failing to provide such collar, plate, muzzle, or otherwise failing to act in accordance with this, shall be subject to the fines or penalties, or both, as hereinafter provided.

Late fees.

If payment is made after March 31, a late fee of twenty-five dollars (\$25.) shall be charged for any person who does not obtain a new or any annual renewal thereof for each dog required to be licensed hereunder.

Seeing Eye, service or hearing ear dogs exempt from fee.

Dogs used as guides for blind persons and commonly known as "seeing-eye" dogs, dogs used to assist handicapped persons and commonly known as "service dogs", or dogs used to assist deaf persons and commonly known as "hearing ear" dogs shall be licensed and

registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefore.

Newly acquired dogs and dogs attaining licensing age.

The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall make application for a license and registration tag for such dog within ten (10) days after such acquisition or age attainment.

Contents of application; records.

The application shall state the breed, sex, age, color and markings of the dog for which license and registration are sought and whether it is of a long- or short-haired variety, also the name, street and post office address of the owner and the person who shall keep or harbor such dog.

Dogs brought into Borough.

A. Any person who shall bring or cause to be brought into the Borough of Audubon Park any dog licensed in another state for the current year and bearing a registration tag and shall keep or permit the same to be kept within the Borough for a period of more than ninety (90) days shall immediately apply for a license and registration tag for each such dog.

B. Any person who shall bring or cause to be brought into the Borough of Audubon Park any unlicensed dog and shall keep or permit the same to be kept within the Borough for a period of more than ten (10) days shall immediately apply for a license and registration tag for each such dog.

Removal or attachment of tags.

No person, except an officer in the performance of his or her 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.

Leashing requirements.

No person owning or having the control, custody or possession of a dog shall permit or suffer such dog to run at large or to go or be upon the public streets, sidewalks or other public places within the Borough unless said dog shall be on a leash and in the custody of some person or persons capable of controlling such dog.

Dogs running at large.

A. The Animal Control Officer or his or her agent or agents shall take into custody and impound or cause to be taken into custody and impounded and thereafter destroyed or disposed of, in accordance with statutes of the State of New Jersey, the following:

(a.) Any dog off the premises of the owner or of the person keeping or harboring said dog which the Animal Control Officer or his or her agent or agents has or have reason to believe is a stray dog.

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

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

B. If any dog so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, or the owner or person keeping or harboring said dog is known, the Animal Control Officer or any person authorized by him or her in that behalf shall forthwith serve on the person whose address is given on the collar, or on the owner or on the person keeping or harboring said dog, if known, 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 (7) days after service of the notice. A notice under this section may be served either by delivering it to the person on whom it is to be served or by leaving it at the person's usual or last known place of abode or at the address given on the collar, or by forwarding it 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 or to the address set forth on the application for the license.

C. When any dog so seized has been detained for seven (7) days after notice, when notice can be given as above set forth, or has been detained for seven (7) days after seizure, when no notice has been given, and if the owner of the dog or person keeping or harboring said dog has not claimed the said dog and paid all expenses incurred by reason of its detention, including maintenance not exceeding one dollar (\$1.00) per day, and further, if the dog is unlicensed at the time of the seizure and the owner or person keeping or harboring said dog has not produced a license and registration tag for said dog, the Animal Control Officer or any person authorized by him or her in that behalf may cause the dog to be destroyed in a manner causing as little pain as possible, in accordance with the laws of the State of New Jersey.

D. Whenever any dog shall be found on the public highways or other public places of said Borough or upon the private premises of anyone but its owner or keeper, and shall annoy or endanger any person thereon, the owner or keeper of said dog shall pay to the Borough of Audubon Park a fine hereinafter provided.

Disposition of fees collected.

A. License fees and other moneys collected or received under this Ordinance, except registration tag fees, shall be forwarded to the Treasurer of the Borough within thirty (30) days after collection or receipt and shall be placed in a special account separate from any of the other accounts of the Borough of Audubon Park, and such funds shall be used, expended or transferred only in accordance with the laws of the State of New Jersey governing and regulating the use, expenditure or transfer of such funds.

B. The State registration tag fee for each tag shall be forwarded within thirty (30) days after collection to the State Department of Health in accordance with statutes and regulations of the State of New Jersey and in the amount specified therein.

Authorization to enter certain premises for seizure of dog.

Any officer or agent authorized or empowered to perform any duty hereunder is hereby authorized to go upon any premises to seize for impounding any dog or dogs which he or she may lawfully seize and impound when he or she is in immediate pursuit of such dog or dogs, in accordance with laws of the State of New Jersey, except upon the premises of the owner of the dog if such owner is present and forbids the same.

Interference with performance of duty.

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

Vicious and potentially dangerous dogs.

A. New Jersey Law P.L. 1994 Chapter 187 and N.J.S. 4:19 entitled "Dogs, Taxation and Liabilities for Injuries Caused By" and all subsequent amendments thereto, be and the same is hereby ordained and referenced as though set forth herein.

B. The municipal license fee for a potentially dangerous dog shall be five hundred dollars (\$500.) per year. The Animal Control Officer shall adhere to the provisions of N.J.S.A. 4:19 including, but not limited to, all periodic inspections, reports and enforcement measures provided therein.

Habitually barking dogs and other disturbances.

A. It shall be unlawful for any person to own, keep, harbor, or have custody of any dog which frequently or for continued duration barks or makes unnecessary or unusual sounds that create a noise disturbance across residential property lines. For the purpose of this provision, a noise disturbance from a barking dog shall be defined as that created by a dog barking continually between the hours of 10:00 P.M. and 7:00 A.M.

(a) The intensity of sound levels caused by any dog shall not exceed 60 decibels during the hours mentioned above, and at all other hours shall not exceed 70 decibels when measured by the Local or County Board of Health at the property boundary nearest the source of the noise.

(b) When the owner of a dog is found guilty in Municipal Court of violating this section, the owner shall remove the dog from the premises or make other arrangements to alleviate the barking disturbance.

(c) The provisions of this Section shall apply to all private facilities, including any animal pounds, kennels and pet shops where a dog is held for any reason.

B. Because of the limited sizes of the residences and properties in Audubon Park, whenever the presence of two or more dogs presents a health or safety hazard, the same shall be a violation of this Ordinance.

Violations and penalties.

A. Except as otherwise provided in this Ordinance, any person who violates, or who fails or refuses to comply with this Ordinance, shall be liable to a penalty of not less than \$25.00 nor more than \$500.00, for each offense, to be recovered by and in the name of the local board of health, or by and in the name of the Borough.

B. Any officer or agent authorized or empowered to perform any duty hereunder are hereby authorized and empowered to issue summons directly for violations of this Ordinance.

C. All fines collected shall be paid to the Treasurer of said Borough.

SECTION IV. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION V. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION VI. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Introduced: August 2, 2010

Adopted: September 7, 2010

