

ORDINANCE 2022-23

An Ordinance of the Township of Mansfield, County of Warren, State of New Jersey, Deleting in its Entirety Chapter 123 Entitled "Animal Control" and Replacing Same

WHEREAS, the Township Committee of the Township of Mansfield, Warren County, finds it in the best interest of the public to amend and replace Chapter 123, Animal Control, of the Revised General Ordinances of the Township of Mansfield; and

BE IT THEREFORE ORDAINED by the Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, that Chapter 123, Animal Control, of the Revised General Ordinances of the Township of Mansfield is hereby replaced in its entirety as follows:

**Chapter 123
Animal Control**

123-1 Dogs

§ 123- 1.1 Definitions

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

DOG

Any dog, bitch, or spayed bitch.

DOG OF LICENSING AGE

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

KENNEL

Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

OWNER

When applied to the proprietorship of a dog, every person having a right of property in such dog and every person who has such dog in his keeping.

PET SHOP

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

POUND

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

SHELTER

Any establishment where dogs are received, housed, and distributed.

§ 123-1.2 Licensing of Dogs

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 any 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.

§ 123-1.3 Application of License

Each application for a license under this article shall give the following information:

- A. A general description of the dog sought to be licensed, including breed, sex, age, color and markings, and whether such dog is of a long- or short-haired variety.
- B. Name, street, and post office address of the owner and of the person who shall keep or harbor such dog. For legal purposes, the owner must be 18 years of age or older.
- C. License Forms and Tags. The license forms and official tags furnished and issued by the Township shall be numbered serially, and indicate the year of issuance.
- D. Registration numbers shall be issued in the order in which applications are received.
- E. Evidence of Inoculation with Rabies Vaccine or Certification of Exemption; Requirement for License. No license tag shall be granted for any dog unless the owner thereof provides evidence that the dog to be licensed has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Agriculture and the United States Department of Human Services. The rabies inoculation shall be administered by a duly licensed veterinarian, or by such other veterinarian permitted by law to do the same, and the vaccine shall be valid until November 30th of that licensing year.
- F. Inoculation Exemptions. A dog may be exempted from the requirements of such vaccination for a specified period of time by the Animal Control Authority, upon presentation of a veterinarian's certificate stating that because of infirmity or other physical condition, or regimen of therapy, the inoculation of such dog shall be deemed inadvisable.
- G. Expiration Date of Licenses. Licenses issued by the Township shall expire on January 31 of each year.
- H. Loss of license. If a license tag or sleeve has been misplaced or lost, the Township Clerk may issue a duplicate license for that particular dog at a fee of \$3

§ 123-1.4 Application for License; When Made.

Applications for licenses for dogs which are required to be licensed by the provisions of subsection 123-1.2a 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 first becomes subject to the provisions of this section.

§ 123-1.5 License Record

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

§ 123-1.6 License Fees

The person applying for a license shall pay a fee of \$13 for each unspayed or unneutered dog, and \$10 for each spayed or neutered dog.

Of the total fee paid for any dog, the Township of Mansfield shall send one dollar (\$1.00) to the New Jersey State Department of Health for rabies control, pursuant to the provisions contained in N.J.S.A. 4:19-15.11 and any amendments thereof and 20 cents (0.20¢) to the State of New Jersey designated for the "Pilot Clinic Fund" pursuant to Public Law 83, Chapter 181 (N.J.S.A. 4:19-15.3c). Township of Mansfield shall send the \$3 surcharge to the State of New Jersey designated for the "Animal Population Control Fund" pursuant to the Public Law 1983, Chapter 172 (N.J.S.A. 4:19-15.3b). The remainder of each fee shall be retained by the Township pursuant to law.

In the event that a person required to apply for a dog license by this article fails to apply for said dog license by February 1 of any year, the person shall pay a late fee of \$5 for each month that the license is not renewed, said late fee to be cumulative and to be charged after the first day of each month, for that month, regardless of when the license is obtained during the month of obtaining the license.

The provisions of this section shall not apply to any dog licensed under Section 123-5 or 123-6, Pet Shops, Kennels, Shelters, and Pounds.

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

§ 123-1.7 Dog Canvass

Any person appointed for this purpose by the Township Committee shall, either annually or biennially, at the direction of the Township Committee, cause a canvass to be made of all dogs owned, kept or harbored within the Township and shall report, on or before September 1 of the year in which the census is taken, to the Clerk or other person designated to license dogs in the municipality and to the Department of Health, and to the State Department of Health the result thereof, setting forth in separate columns the names and addresses of persons owning, keeping

or harboring unlicensed dogs, the number of unlicensed dogs owned, kept or harbored by such person, together with a complete description of each unlicensed dog.

§ 123-1.8 Vicious Dogs

The provisions of N.J.S.A. 4:19-17 et seq. imposing a set of requirements on the owners of vicious or potentially dangerous dogs are hereby established pursuant to said law, a copy of which is on file in the office of the Township Clerk.

Any person applying for a potentially dangerous dog license, registration number and red identification tag pursuant to N.J.S.A. 4:19-17 et seq., shall pay a fee of \$700.

§ 123-1.9 Curbing of Dogs

No person, agency or institution owning, harboring, keeping or in charge of any dog shall cause, suffer, or allow such dog to soil, defile, defecate upon or commit any nuisance upon any private property whatsoever, except with the express authority or permission of the owner of said property.

No person, agency or institution owning, harboring, keeping or in charge of any dog shall cause, suffer, or allow such dog to soil, defile, defecate upon or commit any nuisance upon any public property owned, leased, or used by the Township of Mansfield for public or recreational purposes.

Any person who curbs his or her dog anywhere in the Township of Mansfield, except on his or her own property, shall observe the following conditions:

The person who so curbs such dog shall immediately remove all feces deposited by such dog by a sanitary method approved by the Warren County Board of Health.

The feces removed shall be disposed of by the person owning, harboring, keeping or in charge of any dog curbed in accordance with the provisions of this section, in a sanitary manner or on said person's own property.

§ 123-2 Licensing of Pet Shops, Kennels, Shelters, and Pounds

§ 123-2.1 License Required

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 establishment. Applicant must receive a zoning permit approval from the zoning officer. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments; such licenses shall not be transferable to another owner or different premises.

§ 123-2.2 Application Information

The application shall contain the following information:

- a) The name and permanent and local address of the applicant.

- b) The telephone and telefax number at both the permanent and local address of the applicant.
- c) The e-mail address of the applicant.
- d) The street address where the establishment is located, or proposed to be located, together with a general description of the premises.
- e) The purpose for which the premises is to be maintained.
- f) The maximum number of animals of each type to be accommodated by such establishment at any one time.
- g) Certification of approval from the Warren County Board of Health

§ 123-2.3 License Term

Any kennel, pet shop, shelter or pound license shall be for a one-year duration, running from July 1 through June 30 of the following year in accordance with N.J.S.A 4:19-15.8. Any license applications that shall occur after July 1 shall only be for the period until the following June 30, and the license fee shall cover the license term, whether a full or partial term.

§ 123-2.4 License Fees

Pet Shop License fee - \$150

Kennel fee - \$25

Shelter/rescue/pound – no fee

Failure to apply for a license shall result in a \$25 per month late penalty for each month beginning July 1. The late fee is cumulative and to be charged after the first day of the month, for that month, regardless of when the license is obtained during the month of obtaining the license.

§ 123-3 Wildlife Feeding

§ 123-3.1 Purpose

To prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Mansfield, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 123-3.2 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.

FEED

Shall mean to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting, or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON

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

WILDLIFE

Shall mean all animals that are neither human nor domesticated.

§ 123-3.3 Prohibited conduct

No person shall feed, in any public park or on any other property owned or operated by the Township of Mansfield any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

§ 123-3.4 Enforcement

- A. This article shall be enforced by the Township of Mansfield Police Department and/or other such designated officials of the Township of Mansfield.
- B. Any person found to be in violation of this article shall be ordered to cease the feeding immediately.

§ 123-3.5 Violations and Penalties

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 \$200.

§ 123-4 Disposal of Pet Waste

§ 123-4.1 Purpose

This is an article to establish requirements for the proper disposal of pet solid waste in Township of Mansfield, Warren County, New Jersey, so as to protect public health, safety, and welfare, and to prescribe penalties for failure to comply.

§ 123-4.2 Definitions

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article 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

The pet solid waste is removed at once, without delay.

OWNER/KEEPER

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

Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PET

A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE

Waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL

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.

§ 123-4.3 Requirement for Disposal

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

§ 123-4.4 Exemptions

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this article while such animal is being used for that purpose.

§ 123-4.5 Enforcement

Any resident of the Township of Mansfield may file a complaint for a violation of this article with the Clerk of the Township of Mansfield Municipal Court.

§ 123-4.6 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 of not less than \$25 nor more than \$500 for each violation.

§ 123-5 Running at Large of Livestock

§ 123-5.1 Purpose

This Code shall be constructed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as residents are affected by injury to any persons or other animals, or damage caused to personal property, including lawn, shrubbery, flowers, grounds, trees or any property of persons other than the owner or person having the care, custody or control of such unrestrained livestock running at large within the Township of Mansfield and to assess violations and penalties accordingly.

§ 123-5.2 Definitions

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

LIVESTOCK

All horses, ponies, donkeys, mules, miniature breeds, and all other equine; all domestic and exotic pigs, hogs, and other swine; all cattle, goats, sheep; and all llamas, and alpacas.

RUNNING AT LARGE

Any livestock situated upon any public street, park, or any other public place while unrestrained or situated upon any private property, including the property of the livestock owner, while not restrained by a sufficient fence, enclosure, or tether and which is not attended by the owner or his or her representative.

- B. Violations shall be in accordance with **§ 123-5.5** of this article.

§ 123-5.3 General Requirements

- A. Any person or persons, firm, partnership, or corporation having the care, control, custody, or management of any livestock as defined above shall prohibit the animals to stray or run at large within the limits of the Township of Mansfield.
- B. Fencing requirements. A fence sufficiently enclosed and strong enough to prevent livestock from escaping, going through, or under it, is hereby required wherever livestock is kept. If any livestock escapes from within the confines of any fence it shall be presumed that such fence has not met the provisions of this article. Any owner or lessee of the land on which such fence is located is subject to the requirements of this section.

§ 123-5.4 Restrained Livestock; Impounding

- A. When any livestock are taken up and restrained by any person for running at large, they shall be forthwith impounded by the Animal Control Officer and shall be furnished with suitable food and water, so long as they are detained.
- B. The owner of livestock in the custody or possession of the Animal Control Officer pursuant to this act may claim and be entitled to the possession of the livestock. Upon payment to the Animal Control Officer of reasonable compensation for the care and

keeping of the livestock, upon satisfactory proof of ownership of the livestock, and upon making reparation as provided in § 123-5.5, the livestock shall be returned to its owner.

§ 123-5.5 Violations and Penalties.

- A. Any person or persons, firm, partnership, or corporation violating or failing to comply with any provision of this Code shall be guilty of an offense punishable as follows:
 - 1) The first and second violation will be verbal warnings.
 - 2) A fine for a third violation in the amount of \$100.
 - 3) A fine for a fourth violation in the amount of \$250.
 - 4) A fine for a fifth violation in the amount of \$500.
 - 5) A fine for a sixth or any subsequent offenses in the amount of \$1,000 each.
- B. Each day for which a violation of this article occurs shall be considered a separate offense throughout the year.

§ 123-5.6 Notice and orders

Notice. The Township, or any duly authorized Code or Animal Control Official, shall cause a notice to be issued to the applicable person or persons, firm, partnership, or corporation when a violation of this Code occurs.

- A. Form. Such notice prescribed in § 123-5.5 (a) shall be in accordance with all of the following:
 - 1) Be in writing.
 - 2) Include the identity or description of the animal.
 - 3) A statement of when, where and what damage was done, if known.
 - 4) Include a correction order allowing a reasonable time for restitution of penalties and damages to be made.
 - 5) Inform the property owner of the right to appeal.
- B. Method of Service. Such notice shall be deemed to be properly served if a copy thereof is sent by first-class mail, express mail, overnight carrier, or certified mail addressed to the last known address.

Section 2. All ordinances inconsistent with the foregoing shall be deemed repealed by

Section 3. This Ordinance shall take effect immediately upon publication as provided by law.

CERTIFICATION

I certify that the foregoing is a true copy of an Ordinance duly adopted by the Township Committee held on this date.



Monica Orlando, Acting Township Clerk

Adopted, First Reading: October 12, 2022

Publication Date: October 18, 2022

Adopted, Second Reading: October 26, 2022

Publication Date: November 1, 2022