

5-1 DEFINITIONS.

As used in this chapter:

Animal Control Officer shall mean a certified animal control officer or, in the absence of such an officer, the chief law enforcement officer of the Borough or his designee.

Borough shall mean the Borough of Mantoloking.

Department means the State of New Jersey Department of Health.

Dog shall mean any dog, dog hybrid, bitch or spayed bitch.

Dog of Licensing Age shall mean any dog which has attained the age of seven (7) months or which possesses a set of permanent teeth.

Domestic Animal shall mean any cat, dog, or livestock other than poultry.

Owner shall mean, 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.

Person shall mean an individual, firm, partnership, corporation or association of persons.

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.

Vicious Dog shall mean any dog or dog hybrid declared vicious by a municipal court pursuant to N.J.S.A. 4:19-22.
(Ord. No. 402 § A1; New)

5-2 LICENSING REQUIREMENTS.

5-2.1 License Required; Time to Apply.

a. Any person residing in the Borough who shall own, keep or harbor a dog of licensing age shall, in the month of January, apply for and procure from the Municipal Clerk a license and official metal 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; provided, however, that in the event such a dog shall be newly acquired, or in the event that after acquisition a dog shall attain licensing age, the initial application for the license and registration tag shall be made within ten (10) days after such acquisition or age attainment.

b. Any person who shall bring or cause to be brought into the Borough any dog licensed in another State for the current year and bearing a registration tag, and shall keep the same 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.

c. Any person who shall bring or cause to be brought into the Borough from another State any unlicensed dog and shall keep same 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 for each such dog.
(Ord. No. 402 § AII)

5-2.2 Rabies Vaccination.

No license or official metal registration tag shall be issued for any dog unless the owner thereof provides evidence that the dog to be licensed and registered 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 Health, Education and Welfare, or has been certified as exempt as provided by regulations of the State Department of Health. Such vaccination shall be repeated at intervals as provided by regulations of the State Department of Health, and shall be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same. (Ord. No. 402 § AIII)

5-2.3 Licenses and Registration Tags; Fees.

a. The person applying for the license and registration tag shall pay the following fees: four (\$4.00) dollars for license; one (\$1.00) dollar for a registration tag; and twenty (\$.20) cents Pilot Clinic Fund additional fee per dog. For each annual renewal, the fee for the license and registration tag shall be the same as for the original license and tag. The licenses and registration tags, and renewals thereof, shall expire on January 31st in each year. If application shall not be made within the time limited by subsection 5-2.1 or by law, there shall also be a late charge of one (\$1.00) dollar for each month or fraction of a month which shall have elapsed between the time so limited and the making of the application.

b. In addition to the fees for licensing and registration, any person applying for a license and registration tag shall pay an additional fee of three (\$3.00) dollars for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization. This fee shall be forwarded to the State Treasurer for deposit in the Animal Population Control Fund.

c. No license or registration tag shall be required in any licensing year for any dog for which a license and registration tag for such year has been issued by any other municipality in New Jersey. However, no such dog license by any other municipality in New Jersey shall be maintained within the Borough for a period of more than six (6) days in any thirty (30) day period unless said dog has been registered with the Borough Clerk by furnishing proof of a current license and an adequate description of the dog to facilitate identification.

d. Dogs used as guides for blind persons and commonly known as "seeing eye" dogs shall be licensed and registered as other dogs, except that the owner or keeper of such dog shall not be required to pay any fee therefor.

e. License forms and uniform metal registration tags designed by the State Department of Health shall be furnished by the Borough and shall be numbered serially and shall bear the year of issuance and the name of the Borough.
(Ord. No. 402 § AIV)

5-2.4 Application Information.

The application shall state the breed, sex, age, color and markings of the dog for which the license and registration are sought; whether such dog is of a long- or short-haired variety; and the name, street and post office address of the owner and the person who shall keep or harbor such dog. The information on the application and the registration number issued for the dog shall be preserved for a period of three (3) years by the Municipal Clerk. In addition, the Municipal Clerk shall forward similar information to the State Department of Health each month, on forms furnished by said Department. Registration numbers shall be issued in the order of application. (Ord. No. 402 § AV)

5-3 REMOVAL OF REGISTRATION TAG; FALSE IDENTIFICATION.

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. (Ord. No. 402 § AVI)

5-4 REGULATIONS FOR THE CONTROL OF DOGS.

5-4.1 Limitation of Number of Dogs Allowed Per Household.

No person or number of persons of the same family unit or household shall keep or harbor within the Borough at any one time more than three (3) dogs over ten (10) weeks of age. (Ord. No. 402 § AVII)

5-4.2 Annoyance or Injury to Person or Property.

No person who owns, keeps or harbors any dog shall suffer or permit such dog to bark,* howl or cry habitually in such manner as to constitute a nuisance, or to bite or molest any person, or to chase any vehicle upon a public street, or to injure or damage any lawn, shrubbery, flowers, grounds or any property of any person other than its owner's, or to behave in any way as to endanger person or property. (Ord. No. 402 § AXIII)

5-4.3 Reserved.

5-4.4 Nuisance By Dogs*.

a. *Removal of Dog Feces Required.* No person owning, harboring, keeping or in charge of any dog, shall cause, suffer or allow such dog to soil, defile, defecate on or commit any nuisance on any private property other than that owned or occupied by the owner of the dog, without the permission of the owner of the property thereof, or on public property except along the shoulder and within the curblin of the public street. The person who allows such dog to soil, defecate on, or defile any public property whatsoever, including the area along the shoulder and within the curblin of the public street, or on private property without the permission of the owner of the property thereof, shall immediately remove, in a suitable container, all feces deposited by such dog. The feces removed shall be disposed of in a sanitary manner by the person owning, harboring, keeping or in charge of any dog allowed to soil, defecate or defile in accordance with the provisions of this subsection.

b. *Removal of Feces from Oceanfront Property.* Notwithstanding the foregoing, no person owning, harboring, keeping or in charge of any dog upon any oceanfront lot owned or occupied by such person shall fail to remove in the manner described above, any feces deposited by such dog within the area fifty (50) feet westwardly from the mean highwater line and parallel thereto. This provision is enacted in recognition of the Public Trust Doctrine and in the public interest as an exercise of the Police power.

c. *Container for Removal of Feces Required.* Any person in charge of or accompanying a dog in the Borough except on private property owned or occupied by the owner of the dog shall have, in his or her immediate possession, a container for removal of any feces which may be deposited by the dog. (Ord. No. 402 § AXVI)

5-4.5 Restraint of Dogs Outdoors on Beaches and Public Property.

Editor's Note: See also Chapter X, Beach Regulations, subsection 10-4.10 Animals.

a. Unless otherwise permitted by this chapter, no person who owns, keeps or harbors any dog shall suffer or permit such dog upon any premises, public or private, other than those owned or occupied by such person or upon which private premises the owner shall have a right of presence, unless leashed and under the direct control of a responsible person.

b. No dogs shall be permitted upon Borough-owned beaches or upon beaches under Borough jurisdiction, i.e. lands below the mean highwater line except, however:

1. Leashed dogs when accompanied by a responsible person shall be permitted on beaches between May 15th and October 1st, only between sunrise and 8:00 a.m. and from 6:00 p.m. to sunset with the following exceptions:

(a) Reserved.

(b) No dog shall be suffered or permitted to be in or upon the area known as North Lagoon (adjacent to Bergen Avenue) between May 15th and October 1st. This ban and prohibition shall and does extend to and include the entire area from the northerly edge of the street pavement to the water's edge and on the east and west by the lines formed by the extension of the bulkheads, southerly, to the points of intersection with the northerly edge of pavement.

2. From October 2nd to May 14th dogs and other animals shall be permitted upon beaches and access ways unleashed, but only when under the direct and immediate control of a responsible person.

3. An owner, tenant or occupant of oceanfront property shall not be deemed in violation of this section at any time while in the act of permitting his or her dog or other animal to transit from the lot to or from the ocean abutting the upland lot. Owners, tenants or occupants of private property (beaches) shall not be required to leash their animals while on the owner's property.

4. Dogs may be permitted to swim unleashed under the direct and immediate control of a responsible person. (Ord. No. 402 § AXIV; Ord. No. 422 § 1; Ord. No. 615)

5-5 INTERFERENCE WITH AUTHORIZED PERSONS.

No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this chapter. (Ord. No. 402 § AXII)

5-6 AUTHORITY TO ENTER PREMISES.

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 or dogs which he may lawfully seize and impound when such officer is in immediate pursuit of such dog or dogs except upon the premises of the owner of the dog if the owner is present and forbids the same. (Ord. No. 402 § AXI)

5-7 ANNUAL CANVASS.

The Board of Health is hereby appointed to annually cause a canvass to be made of all dogs owned, kept and harbored within the limits of the Borough and it shall report, on or before May 1st, to the State Board 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 each of said persons, together with a complete description of each unlicensed

5-8 DISPOSITION OF MONEYS.

a. License fees and other moneys collected or received under the provisions of this chapter with the exception of registration tag fees, Pilot Clinic Fund fees, and Animal Population Control Fund fees, shall be forwarded to the Chief Financial Officer 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 and which shall be used for the following purposes only: for collecting, keeping and disposing of dogs liable to seizure under this chapter; for local prevention and control of rabies; for providing anti-rabies treatment under the direction of the Board of Health for any person known or suspected to have been exposed to rabies; for all other purposes prescribed by the Statutes of New Jersey governing the subject; and for administering the provisions of this chapter. Any unexpended 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 Borough any amount then in such account which is in excess of the total amount paid into the special account during the last two (2) preceding fiscal years.

b. Registration tag fees of one (\$1.00) dollar per year shall be forwarded to the State Department of Health by the Municipal Clerk within thirty (30) days after collection.

c. Pilot Clinic Fund fees of twenty (\$.20) cents shall be forwarded to the State Treasurer to be placed in the "Pilot Clinic Fund" created pursuant to N.J.S.A. 4:19A:14.

d. Animal Population Control Fund fees of three (\$3.00) dollars shall be forwarded to the State Treasurer for deposit in the "Animal Population Control Fund" created pursuant to N.J.S.A. 4:19A-6.
(Ord. No. 402 § AVIII)

5-9 AGREEMENT WITH CERTIFIED ANIMAL CONTROL OFFICER; IMPOUNDMENT AND DISPOSITION OF DOGS.

a. The Borough Council is authorized to enter into an agreement with a Certified Animal Control Officer who shall take into custody and impound and thereafter destroy or dispose of as provided in this section:

1. Any dog off the premises of the owner or of the person keeping or harboring the dog, which official or his agent or agents have reason to believe is a stray dog.

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

3. 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 if the owner or the person keeping or harboring the dog is known, the certified Animal Control Officer shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring the 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 the 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 residence or at the address given on the collar, or by forwarding it by post in a prepaid envelope addressed to that person at his usual or last known residence or to the address given on the collar.

c. When any dog that has been seized has been detained for seven (7) days after notice has been given as above set forth, or has been detained for seven (7) days after seizure when no notice has been given as above set forth, and if the owner or person keeping or harboring the dog has not claimed the dog and paid all expenses incurred by reason of its detention, including maintenance fees, and if the dog is unlicensed at the time of the seizure and the owner or person keeping or harboring the dog has not produced a license and registration tag for this dog, the certified Animal Control Officer may cause the dog to be destroyed in a manner causing as little pain as possible. No dog or other animal which has been caught, detained or procured, obtained, sent or brought to a pound or shelter shall be sold or otherwise made available for the purpose of experimentation.

d. Any person may redeem his dog upon payment to the Borough the sum of ten (\$10.00) dollars as an ambulance fee, in addition to the maintenance fee as set forth herein.
(Ord. No. 402 § AX)

5-10 VIOLATIONS AND PENALTIES.

a. Any person who violates or who fails or refuses to comply with subsections 5-2.1; Section 5-3 or Section 5-7 of this chapter or the rules and regulations promulgated by the State Department of Health shall be subject to a penalty of not less than five (\$5.00) dollars nor more than fifty (\$50.00) dollars for each offense, to be recovered by and in the name of the Director of Health of the State of New Jersey or by and in the name of local Board of Health of the Borough or by and in the name of the Borough as the case may be, except that for the first offense in cases of violations of subsection 5-2.1, the penalty shall not be less than one (\$1.00) dollar nor more than fifty (\$50.00) dollars to be recovered in the same manner.

b. Any person who violates or refuses to comply with every other regulation of this chapter shall for each and every violation be subject to a fine of not more than five hundred (\$500.00) dollars at the discretion of the court or judicial officer before whom a conviction may be had. Each and every day that such violation continues shall be considered a separate and specific violation of this chapter.
(Ord. No. 402 § AXVII)

5-11 DISPOSAL OF PET SOLID WASTE.

5-11.1 Purpose.

This section establishes requirements for the proper disposal of pet solid waste in the Borough of Mantoloking, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply. (Ord. No. 503 § I)

5-11.2 Definitions.

As used in this section:

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

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

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

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

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

Proper Disposal shall mean placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for treatment and disposal.
(Ord. No. 503 § II)

5-11.3 Requirement for Disposal.

All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person. (Ord. No. 503 § III)

5-11.4 Exemptions.

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. (Ord. No. 503 § IV)

5-11.5 Enforcement.

This section shall be enforced by the Police Department of the Borough of Mantoloking. (Ord. No. 503 § V)

5-11.6 Violations and Penalties.

Any person who is found to be in violation of the provisions of this section, upon conviction, shall be subject to a fine of not less than twenty-five (\$25.00) dollars or more than one hundred (\$100.00) dollars. (Ord. No. 503 § VI)

5-12 PROHIBITION OF FEEDING UNCONFINED WILDLIFE IN ANY PUBLIC PARK OR ON BOROUGH PROPERTY.

5-12.1 Purpose.

The purpose of this section is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Mantoloking, so as to protect the public health, safety and welfare, and to prescribe penalties for failure to comply. (Ord. No. 507 § I)

5-12.2 Definitions.

As used in this section:

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 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.
(Ord. No. 507 § II)

5-12.3 Prohibited Conduct.

No person shall feed, in any public park or on any other property owned or operated by the Borough any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers). (Ord. No. 507 § III)

5-12.4 Enforcement.

a. This section shall be enforced by the Police Department of the Borough of Mantoloking.

b. Any person found to be in violation of this section shall be ordered to cease the feeding immediately.

(Ord. No. 507 § V)

5-12.5 Violations and Penalties.

Any person who continues to be in violation of the provisions of this section after being duly notified shall be subject to a fine of not less than twenty-five (\$25.00) dollars or more than one hundred (\$100.00) dollars. (Ord. No. 507 § VI)

* **Editor's Note:** See also Chapter III, subsection 3-1.3 b.4, for additional prohibitions on frequent or habitual howling, barking, etc.

* **Editor's Note:** See also Chapter X Beach Regulations, subsection 10-4.10 Animals, and Section 5-11, Disposal of Pet Solid Waste.