

Chapter 26

DOGS AND OTHER ANIMALS

ARTICLE I

- §26-1. Purpose.
- §26-2. Definitions.
- §26-3. Dog licenses required.
- §26-4. Restraint of dogs.
- §26-5. Impoundment of unrestrained dogs.
- §26-6. Fee to reclaim sheltered animals.
- §26-7. Summons for ordinance violation.
- §26-8. Female dogs.
- §26-9. Control of dogs.
- §26-10. Care of animals; abandonment prohibited.
- §26-11. Giving of animals as prizes prohibited.
- §26-12. Animal bites.
- §26-13. Rabies control.
- §26-14. Power of Animal Control Officer.
- §26-15. Dogs on boardwalk, beach and playgrounds prohibited.
- §26-16. Nuisances.
- §26-17. Violations and penalties.
- §26-18. Repealer.
- §26-19. Severability.
- §26-20. When effective.

ARTICLE II

Proper Disposal of Pet Solid Waste

- §26-21. Purpose.
- §26-22. Definitions.
- §26-23. Requirement for disposal.
- §26-24. Exemptions.
- §26-25. Enforcement.
- §26-26. Violations and penalties.

**ARTICLE III
Wildlife Feeding**

- §26-27. Purpose.
- §26-28. Definitions.
- §26-29. Prohibited conduct.
- §26-30. Enforcement.
- §26-31. Violations and penalties.

HISTORY: Article I Adopted by the Mayor and Borough Council of the Borough of Seaside Park 3-25-1976 as Ordinance No. 731¹. Amended 11-19-1981 by Ord. No. 832; 11-19-2001 by Ord. No. 1285; 12-20-2001 by Ord. No. 1291.
 Article II adopted 9-28-2005 as Ordinance No. 1372.
 Article III adopted 9-28-2005 as Ordinance No. 1373.

Be it ordained by the Mayor and Borough Council of the Borough of Seaside Park, in the County of Ocean and State of New Jersey, as follows:

ARTICLE I

§26-1. Purpose.
 The purpose of this ordinance is to formulate a program for animal control within this municipality in order to further protect the health and safety of our citizens.

¹ EDITOR'S NOTE: Ord. No. 731 repealed former Chapter 26 (Dogs and Other Animals) adopted 7-25-1974 as Ord. No. 713.

§26-2. Definitions.

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

ANIMAL — Any live, vertebrate creature, domestic or wild.

ANIMAL CONTROL OFFICER — Any person designated by the animal shelter and the governing body as a law enforcement officer and who qualifies to perform such duties under the laws of the State of New Jersey.

ANIMAL SHELTER — Any premises designated by the governing body for the purpose of impounding and caring for animals held under authority of this ordinance.

DOG — Any member of the species generally referred to as *canis familiaris*.

DOG OF LICENSING AGE — Any dog which has attained the age of six (6) months.

OWNER — Any person, partnership or corporation owning, keeping or harboring one (1) or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

PERSON — An individual, partnership, company or corporation.

RESTRAINT — Any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, within the real property limits of its owner.

§26-3. Dog licenses required.

*Amended 11-19-1981 by Ord. No. 832
11-19-2001 by Ord. No. 1285*

- A. Any resident who shall own, keep or harbor a dog of licensing age shall, in the month of January of each year, apply for and procure from the Clerk of the municipality, or other official designated by the governing body thereof to license dogs in the municipality, a license and official 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 fastened thereon. The fee for said license shall be eleven dollars (\$11.) for each dog per year, unless the dog is spayed or neutered in which case the fee shall be eight dollars (\$8.). Of the above fees, the borough's portion shall be seven dollars (\$7.) and the remainder of the funds shall be forwarded to the State of New Jersey, Department of Health as required by N.J.S.A. 4:19-15.1 et seq. Renewal of said license and registration tag shall be at the same rate and said licenses or renewals shall expire on the 31st of January of each year.
- B. Failure to comply with Subsection A above shall subject the individual owning, keeping or harboring said dog to a fine of twenty-five dollars (\$25.). Each

day's failure to obtain a license will be considered a separate violation.

§26-4. Restraint of dogs.

All dogs shall be kept under restraint.

§26-5. Impoundment of unrestrained dogs.

Unrestrained dogs may be taken by police or the Animal Control Officer, impounded in an animal shelter and there confined in the manner prescribed in N.J.S.A. 4:19-15.14. Impounded dogs shall be kept for not less than seven (7) days unless reclaimed by their owners. If by a license or other means the owner can be identified, the Animal Control Officer shall, immediately upon impoundment, notify the owner by telephone or mail of the impoundment of the dog. Dogs not claimed by their owners within seven (7) days or placed in suitable new homes may be disposed of, by methods prescribed as humane by the American Veterinary Medical Association and the New Jersey Veterinary Medical Association, by the Animal Control Officer or by a representative delegated by him to exercise that authority.

§26-6. Fee to reclaim sheltered animals.

Amended 11-19-2001 by Ord. No. 1285

An owner reclaiming a dog impounded under §26-5 of this ordinance or any animal impounded for whatever reason shall pay the fees required and established by the Ocean County Health Department in the operation of the Ocean County Animal Shelter. The owner may also be proceeded against for violation of this ordinance.

§26-7. Summons for ordinance violation.

In addition to or in lieu of impounding a dog found at large, the Animal Control Officer or police officer may issue to the known owner of such dog a summons for ordinance violation.

§26-8. Female dogs.

Every female dog in heat shall be confined in a building or secure enclosure in such manner that such female dog cannot come into contact with another dog, except for planned breeding.

§26-9. Control of dogs.

No owner shall fail to exercise proper control of his dog to prevent it from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds or trespassing upon private or public property shall be deemed a nuisance.

§26-10. Care of animals; abandonment prohibited.

No owner shall fail to provide any animal in his control with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse any animal, or cause or permit any animals to combat between themselves, nor shall any owner abandon such animal.

§26-11. Giving of animals as prizes prohibited.

No person shall give any animal as a prize for or as an inducement to enter any contest, game or other competition, nor as an inducement to enter a place of amusement; nor offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

§26-12. Animal bites.

Any animal which bites a person shall be quarantined on the premises of its owner under the supervision of the authority designated by the municipality for the period of time ordered by said authority. The animal shall be securely confined and kept from contact with any other animal during such quarantine. The designated authority may require, at its discretion, special confinement and order the animal surrendered to an animal shelter or veterinary hospital at the owner's expense.

§26-13. Rabies control.

No police officer or other person shall kill, or cause to be killed, any animal suspected of being rabid, except after the animal has been placed in quarantine and the diagnosis of rabies is made by a licensed veterinarian. If a veterinarian diagnoses rabies in an animal in quarantine, then the animal shall be humanely killed and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis. The cost pertaining to diagnosis, pathological examination and confirmation shall be paid by the owner.

§26-14. Power of Animal Control Officer.

The Animal Control Officer shall have police powers in the enforcement of this ordinance and no person shall interfere with, hinder, molest or abuse any Animal Control Officer in the exercise of such powers.

§26-15. Dogs on boardwalk, beach and playgrounds prohibited.

No person owning, keeping or harboring any dog shall suffer it to be on the public boardwalk or any public ocean or bay, beach or playground.

§26-16. Nuisances.

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 common thoroughfare, sidewalk, passageway, bypath, play area, park 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 said property. The restriction in this section shall not apply to that portion of the street lying between the curblines, which shall be used to curb such dog under the following conditions:

- A. The person who so curbs such dog shall immediately remove all feces deposited by such dog by any sanitary method approved by the local health authority.
- 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 accordance with the provisions of this ordinance, in a sanitary manner approved by the local health authority.

§26-17. Violations and penalties.

Amended 12-20-2001 by Ord. No. 1291

Any person who violates any one (1) or more sections of this ordinance shall be subject to a fine of not more than one thousand (\$1,000.) dollars for each separate offense and/or confinement in the Ocean County Jail for a period of not more than ninety (90) days.

§26-18. Repealer.

This ordinance repeals any inconsistent ordinance or ordinances or part or parts thereof.

§26-19. Severability.

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

§26-20. When effective.

This ordinance, with the exception of §26-3 as it applies to the amount of the dog licensing fee, shall take effect immediately upon its final passage, approval and publication as required by law. Section 26-3, applying to the fees charged for dog licenses, shall be effective as of and for the year of 1977.

ARTICLE II**Proper Disposal of Pet Solid Waste**

Adopted 9-28-2005 as Ord. No. 1372

§26-21. Purpose.

An ordinance to establish requirements for the proper disposal of pet solid waste in the Borough of Seaside

Park so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§26-22. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance 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 – shall mean that 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 a pet.

PERSON – any individual, corporation, company, partnership, firm, association, or political subdivision of the 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.

§26-23. 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.

§26-24. Exemptions.

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

§26-25. Enforcement.

The Animal Control Officer, Code Enforcement Officer and the Seaside Park Police Department are hereby designated as the enforcement officers of the provisions of this ordinance.

§26-26. Violations and penalties.

Any person who violates any one (1) of more sections of this ordinance shall be subject to a fine of not more than one thousand dollars (\$1000.00) for each separate offense and/ or confinement in the Ocean County Jail for a period of not more than ninety (90) days.

ARTICLE III

Wildlife Feeding

Adopted 9-28-2005 as Ord. No.1373

§26-27. Purpose.

An ordinance to prohibit the feeding of unconfined wildlife in any public park or any other property owned or operated by the Borough of Seaside Park so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§26-28. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance 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 – 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 – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

WILDLIFE – all animals that are neither human nor domesticated.

§26-29. Prohibited conduct.

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

§26-30. Enforcement.

The Animal Control Officer, Code Enforcement Officer and the Seaside Park Police Department are hereby designated as the enforcement officers of the provisions of this ordinance.

§26-31. Violations and penalties.

Any person who violates any one (1) or more sections of this ordinance shall be subject to a fine of not more than one thousand dollars (\$1,000.) for each separate offense and/or confinement in the Ocean County Jail for a period not more than ninety (90) days.