

**BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY**

ORDINANCE # 7 - 0 - 04

**AN ORDINANCE AMENDING CHAPTER 133, ARTICLE
4, OF THE CODE OF THE BOROUGH OF WANAQUE
TITLED “ANIMALS AND RABIES CONTROL” AND
REGULATING FARM ANIMALS, FOWL, PIGEONS
POISONOUS SNAKES AND REPTILES IN THE
BOROUGH OF WANAQUE AND PROVIDING PENALITIES
FOR VIOLATION**

BE IT ORDAINED by the Mayor and Council of the Borough of Wanaque, County of Passaic, State of New Jersey, as follows:

SECTION 133-32 Definition (revised)

- A. Owner. When applied to the proprietorship of an animal, includes every person having a right of property, or custody, in such an animal and every person who has such an animal in his/her keeping or who harbors or maintains an animal, or knowingly permits an animal to remain on or about any premises occupied by that person. A person shall be deemed to have an animal in his keeping or under his control whenever the ownership or custody of such an animal in an unemancipated infant or other member of his/her household. Guardian.
- B. GUARDIAN. Shall mean a person(s) having the same rights and responsibility of an owner, and both terms, i.e., guardian and owner, shall be used interchangeably. A guardian shall also mean a person who possesses, has title to, or an interest in, harbors or has control, custody, or possession of an animal, and who is responsible for the animal's safety and well being.

- C. OWNERS/GUARDIANS PREMISES. The building or plot or land on which said building stands and which the persons or owner/guardian of an animal has a place of abode or place of business in the Borough.
- D. VICIOUS ANIMAL. Any animal which, at any time, without provocation, has attacked or shall attack a human being or other domestic pet, either will upon or off the premises occupied by the person who is the owner/guardian, or is keeping, harboring, or having custody of possession of the attacking animal. It shall also mean and include any animal which has caused any human being engaged in a lawful activity or occupancy to be fearful for his own safety by chasing or snapping at such person without provocation.

SECTION 133-34. License Required (revised)

- A. No person shall keep or harbor or suffer the keeping or harboring within the limits of the Borough of Wanaque, any dog or cat of licensing age without first obtaining a license therefor to be issued by the Health Department of the Borough of Wanaque, upon application by the owner or guardian or some person on behalf of the owner or guardian, and payment of the prescribed fee, and no person shall keep or harbor any dog or cat in the Borough except in compliance with the provision for the control of animals contained in Title 4, Chapter 19 Sections 15.1 through 15.29 of the Revised Statutes of New Jersey and any amendments thereof (N.J.S.A 4 :19-15 et seq.)

- B. No person shall own, be the guardian of, keep or harbor more than three (3) dogs or cats within the Borough of Wanaque, except for properly licensed kennels, pet shops, shelters or pounds, and except for new born and unweened dogs or cats, which may be kept up to ninety (90) days after weening.

SECTION 133-35. Obtaining License and Registration Tag (revised)

- B Any person who is the owner or guardian, or who keeps, harbors or suffer the keeping or harboring of any dog of licensing age within the Borough of Wanaque shall, in the month of January and annually thereafter, apply for and procure from the Health Department a license and official registration tag for each dog so owned, or under guardianship, kept or harbored and shall place upon each such dog a collar or other device with the license number securely fastened or displayed thereto.
- B Any person who shall be the owner, or guardian, or shall keep or harbor or suffer the keeping or harboring of any cat of licensing age in the Borough of Wanaque shall, in the month of January and annually thereafter, apply for and procure from the Health Department a license and official registration tag for each cat owned, or under the guardianship, kept or harbored and shall place upon each such cat a collar or other device with the license number securely fastened or displayed thereto. Acceptable methods of displaying license number shall include, but not be limited to, breakaway collars or elastic collars.

SECTION 133-35.1 (revised)

- A. The person applying for a license and registration tag shall be the same as for the original of said license and registration tax, and renewal thereof, shall expire on January 31st of the following year. Only one (1) license and registration tag shall be required in any licensing year for any dog or cat owned, or under guardianship, in the Borough of Wanaque ; such license and registration tag issued by any municipality in the State of New Jersey, shall be accepted as evidence of compliance for this Section.
- B. Any dog or cat owner or guardian, or person harboring a dog or cat found to be unlicensed by the Borough Animal Control Officer, or any other municipal employee on or after February 1st shall be required to pay an additional delinquent fee as established in Section 133-35.11, plus the required license fee as provided in this Chapter for their animal license, together with any other fines due to summonses issued that may be imposed as provided in this Chapter for failure to obtain an animal license by January 31st. The aforementioned fee shall not apply to animals which have been acquired by the owner or guardian after February 1st, provided that said license is obtained ten (10) days after acquisition and sufficient proof is presented to establish the date the dog or cat is acquired.
- C. Dogs used as guides for blind persons and commonly know 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 animals heretofore provided for, except that the owner or guardian or keeper of such dog shall not be required to pay any fee thereof.

- D. The owner, guardian, or keeper of any newly acquired animal of licensing age shall make application for such license and registration tag for such animal within ten (10) days after such acquisition or age attainment.
- E. Any owner or guardian or keeper of a licensed dog or cat whose current license tag has been lost may obtain a replacement tag by applying to the Health Department immediately. A charge as established in Section 133-35.11 of this chapter shall be paid for replacement of this tag.

SECTION 133-35.2 RABIES VACCINATION REQUIRED (revised)

- B A certificate of vaccination shall be issued to the owner or guardian of each dog or cat vaccinated on a form recommended by the State of New Jersey.

SECTION 133-35.3 IMPOUNDING OR TAKING ANIMALS INTO CUSTODY, GROUNDS, NOTICE, DESTRUCTION, DISPOSAL, REPORT IF RABID (revised)

- A(1). Any dog off premises of the owner or guardian of the person keeping or harboring said dog which said official or his agent or agents has reason to believe is a stray dog.
- (2) Any dog or cat off the premises of the owner or guardian or of the person keeping or harboring said dog or cat without a current registration tag on his collar.
- (3) Any female dog in season off the premises of the owner or guardian or of the person keeping or harboring said dog.

(4) Any dog or other animal which is suspected of being rabid.

(5) Any dog or other animal off the premises of the owner or guardian, reported to, or observed by a certified Animal Control Officer to be ill, injured, or creating a threat to public health, safety or welfare or otherwise interfering with the enjoyment of property.

B. If any animal so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag of the owner or guardian or the person keeping or harboring said animal is known, any person authorized by the Borough shall forthwith serve on the person whose address is given on the collar or on the owner or guardian or person keeping or harboring said animal, if known, a notice in writing stating that the animal has been seized and will be liable to be disposed of or destroyed if not claimed within seven (7) days after service of this notice.

D. When any animal 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 as above set forth, and if the person keeping or harboring said animal has not claimed said animal and paid all expenses incurred by reason of its detention, including maintenance, and if the animals be unlicensed at the time of seizure, and the owner or guardian or person keeping or harboring said animal has not produced a license and registration tag for said animal, any person authorized by the Borough may cause the animal to be destroyed

in a manner causing as little pain as possible consistent with the provisions of Title 4, Chapter 22, Section 19 of the Revised Statutes of New Jersey, and any amendments thereto (N.J.S.A 4 :22-19 et seq.).

SECTION 133-35.4 SEIZURE OF ANIMALS

- A. Any officer or agent authorized or empowered to perform any duty under this chapter is hereby authorized to go upon the premises to seize for impounding any animal or animals which he may lawfully seize and impound when such officer is in the immediate pursuit of such animal or animals, except upon the premises of the owner or guardian of the animal if said owner is present and forbids the same.

SECTION 133-35.5 NOTIFICATION OF ANIMAL BITES, QUARANTINE

- A. Whenever a dog, cat or other animal is affected by rabies or suspected of being affected by rabies or has been bitten by an animal known or suspected to be affected by rabies, the owner or guardian or person in charge of the animal, or any person having knowledge thereof, shall forthwith notify the Health Department of the place where the animal is located. Said animal shall be quarantined by the Wanaque Health Department as provided by law.
- B. Whenever a dog, cat, or other animal bites a person, the owner or guardian or person in charge of the animal, the person bitten, or parent or guardian of the same or the physician having professional attendance upon such person bitten shall notify the Health Department of the name, age, sex, color and precise

location of the person so bitten, pursuant to the Revised Statute of the State of New Jersey, Title 26, Chapter 4, Sections 78 through 95 (N.J.S.A. 26 :4-78 through 26 :4-95). Said animal shall be quarantined by the Wanaque Health Department as provided by law.

SECTION 133-35.6. DEFILING OR DAMAGING PROPERTY

No person shall suffer, permit or allow any animal to injure or damage or soil or defile any lawn or shrubbery or flowers or grounds or any property, either public or private, of any person other than that of its owner or guardian. No person shall suffer, permit, or allow any dog to be upon any private or public property other than the premises of the owner or guardian, without the consent of said owner or guardian or tenant of the public or private property, or to permit the dog to run unleashed off the premises of the owner or guardian.

SECTION 133-35.9. KENNEL, PET SHOP, SHELTER, POUND

B. All licenses for a kennel, pet shop shelter or pound shall expire on the last day of June of each year and be subject to revocations by the Borough for failure to comply with the rules and regulations governing kennels, pet shops, shelters and pounds pursuant to New Jersey Administrative Code, Title 8, Chapter 23, Sub-chapter 3, and this chapter (N.J.A.C. 8 :23-3 et seq.) Any person holding such license shall not be required to secure individual licenses for animals owned or under the guardianship of such licensee and kept at such establishment. Such licenses shall not be transferrable to another owner or guardian or different premises.