

**AN ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MOUNT ARLINGTON, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING BOROUGH CODE CHAPTER 48 ANIMALS, SECTION §48-4. DOG AND CAT CANVASS; SECTION §48-2. LICENSING PROVISIONS; SECTION §48-6. IMPOUNDING AND DESTRUCTION OF CERTAIN DOGS; SECTION §48-7. REGULATIONS; AND SECTION §48-9.1. IMPOUNDING AND DESTRUCTION OF CERTAIN CATS**

**WHEREAS**, at the request of the Board of Health, the Borough Code Committee reviewed the current Borough Code Chapter 48 Animals, and determined that Section §48-4. Dog and cat canvass; Section §48-2. Licensing provisions; Section §48-6. Impounding and destruction of certain dogs; Section §48-7. Regulations; and Section §48-9.1. Impounding and destruction of certain cats need to be amended to clarify, update current Borough practices and costs, and to remain consistent with Chapter 186 Animal Sanitation and Chapter 123 Parks, Recreation Areas and Civic Center; and recommends that the Borough Code be updated; and

**WHEREAS**, the Mayor and Council for the Borough of Mount Arlington reviewed and desires to amend and supplement Borough Code Chapter 48 Animals, Section §48-4. Dog and cat canvass; Section §48-2. Licensing provisions; Section §48-6. Impounding and destruction of certain dogs; Section §48-7. Regulations; and Section §48-9.1. Impounding and destruction of certain cats.

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 48 Animals, Section §48-4. Dog and cat canvass is hereby amended and supplemented to read in its entirety as follows:

§ 48-4. Dog and cat canvass.

The Mayor and Council shall appoint a person to bi-annually cause a canvass to be made of all dogs and cats owned, kept or harbored within the limits of the Borough and shall report to the Clerk, the Board of Health and the State Department of Health the results thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring dogs or cats; the number of licensed dogs or cats owned, kept or harbored by each person, together with the registration number of each dog or cat; and the number of unlicensed dogs or cats owned kept or harbored by each person, together with a complete description of each unlicensed dog or cat.

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 48 Animals, Section §48-2. Licensing provisions is hereby amended and supplemented to read in its entirety as follows:

§ 48-2. Licensing provisions.



A. License, when required. Licenses shall be required for the following dogs of licensing age:

- (1) Any dog owned or kept within the Borough by a resident of the Borough on the first day of January of any calendar year.
- (2) Any dog acquired by any person during the course of any calendar year and kept within the Borough for more than ten (10) days after acquisition.
- (3) Any dog attaining licensing age during the course of the calendar year.
- (4) Any unlicensed dog brought into the Borough by any person and kept within the Borough for more than ten (10) days.
- (5) Any dog licensed by another municipality brought into the Borough by any person and kept within the Borough for more than ninety (90) days.

B. Application for license.

(1) Each application for a license under this chapter shall give the following information:

- (a) A general description of the dog sought to be licensed, including breed, sex, age, color and marking, and whether the dog is of a long- or short-haired variety.
- (b) The name and street and post office address of the owner of, and of the person who shall keep or harbor, the dog.

(2) Registration numbers shall be issued in the order in which applications are received.

C. Application for license, when made. Applications for licenses for dogs which are required to be licensed by the provisions of Subsection A (1) 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 at the time the dog in question first becomes subject to the provisions of this chapter.

D. License record. The information on all applications under this chapter and the registration number issued to each licensed dog shall be preserved for a period of three (3) years by the Borough Clerk. In addition, he shall forward similar information to the State Department of Health each month on forms furnished by the Department.

E. Fees.

(1) The following fees shall be charged: The fee for issuance of dog license and any renewal thereof shall be sixteen dollars and twenty cents (\$16.20) for a dog that is spayed or neutered; and nineteen dollars and twenty cents (\$19.20) for a dog that is not spayed or neutered. It shall be the obligation of the applicant for a dog license or renewal of a dog license to present a certificate signed by a licensed veterinarian stating that the dog has been spayed or neutered. A portion of the fees collected shall be forwarded to the State Department of Health as follows: three dollars (\$3.00) for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization, N.J.S.A. 4:19-15.3b; twenty cents (\$0.20), Pilot Clinic Fund, N.J.S.A. 4:19-15.3c; one dollar (\$1.00) for registration tag, N.J.S.A. 4:19-15.3. If the New Jersey Department of Health increases its charge, then the foregoing fees shall be deemed automatically increased with the increase in such state charge. Applications made after January 31 for a license renewal will be subject to a late penalty fee of one dollar (\$1.00) per month.

(2) In addition to the foregoing fees, a late charge of one dollar (\$1.00) shall be assessed for the issuance of a license or renewal thereof on the first day of the month next succeeding the month during which an application for license or renewal thereof should have been made in accordance with the provisions of this chapter, and an additional late charge of one dollar (\$1.00) on the first day of each month thereafter, such late charge(s) to accumulate until such time as the required application is made. No license shall be issued until all fees and charges are paid.

(3) The fees set forth in this section shall take effect on January 1, 1992.

F. Expiration date. Each dog license and registration tag shall expire on the last day of January of the calendar year following the calendar year in which it was issued.

G. Exceptions. 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 and dogs used to



assist deaf persons and commonly known as "Hearing Ear" 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.

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 48 Animals, Section §48-6. Impounding and destruction of certain dogs is hereby amended and supplemented to read in its entirety as follows:

§ 48-6. Impounding and destruction of certain dogs.

A. Causes for impounding. The Animal Control Officer shall take into custody and impound, or cause to be taken into custody and impounded, any of the following dogs:

- (1) Any unlicensed dog running at large in violation of the provisions of this chapter.
- (2) Any dog off the premises of the owner or of the person keeping or harboring the dog which the Animal Control Officer or agent has reason to believe is a stray dog.
- (3) Any dog off the premises of the owner or of the person keeping or harboring the dog without a current registration tag on its collar.
- (4) Any female dog in season off the premises of the owner or of the person keeping or harboring the dog.
- (5) Any dog which has been determined to be a vicious dog as provided in §48-5, provided that the dog may also be seized by any police officer, and provided further that if the dog cannot be seized with safety, it may be killed.

B. Access to premises. Any officer or agent authorized or empowered to perform any duty under this chapter is hereby authorized to go on any premises to seize for impounding any dog which he may lawfully seized and impound when the officer is in immediate pursuit of the dog, except on the premises of the owner of the dog if the owner is present and forbids it.

C. Notice of seizure.

- (1) If any dog so impounded or seized wears a registration tag, collar or harness showing the name and address of any person, or if the owner or the person keeping or harboring the dog is known, the Animal Control Officer shall immediately serve on the person whose address is given on the collar, or on the person owning, keeping or harboring the dog, a written notice 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.
- (2) A notice under this subsection 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 by mail in a prepaid letter addressed to that person at that person's usual or last-known place of abode or to the address given on the collar.

D. Disposition of unclaimed dogs. The Animal Control Officer is authorized and empowered to cause the destruction of any unclaimed dog, in as humane a manner as possible, under any of the following contingencies:

- (1) When any dog so seized has not been claimed by the person owning, keeping or harboring the dog within seven (7) days after notice or within seven (7) days of the dog's detention when notice has not been or cannot be given, as set forth in Subsection C.
- (2) If the person owning, keeping or harboring any dog so seized has not claimed the dog and has not paid all expenses incurred by reason of its detention, including maintenance, not to exceed twenty one dollars (\$21.00) for each day of impoundment, plus ten dollars (\$10.00) for each vaccination and/or



medication administered and ten dollars (\$10.00) for flea and/or tick treatments determined to be necessary.

(a) The following charges shall be paid to the Borough of Mount Arlington as expenses incurred by reasons of detention in accordance with the provisions of this section:

[1] Pickup of any dog:

First offense \$ 45.00

Second offense \$ 75.00

Third offense \$100.00

[2] Euthanasia of dog \$ 35.00

[3] Disposal/cremation of dog \$ 35.00

[4] Quarantine of dog \$ 33.00 per day

(3) If the seized dog is unlicensed at the time of its seizure and the person owning, keeping or harboring the dog has not produced a license and registration tag as provided in this chapter.

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 48 Animals, Section §48-7. Regulations is hereby amended and supplemented to read in its entirety as follows:

§ 48-7. Regulations.

No person shall own, keep or harbor a dog in the Borough except in compliance with the provisions of this chapter and the following regulations:

A. Wearing of registration. All dogs which are required by the provisions of this chapter to be licensed shall wear a collar or harness with the registration tag for the dog securely fastened thereto.

B. Use of registration tags. No person, except an officer in the performance of their 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.

C. Interference with official duties. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this chapter.

D. Disturbing the peace. No person shall own, keep, harbor or maintain any dog which habitually barks, or cries to an extent that same is audible off the premises.

E. Running at large. No person shall permit any animal to run at-large in the Borough at any time. An animal is deemed at-large when the animal is on any public street, alley, public park, recreation area, public ground, municipally owned property, or off of the premises of the owner or person who has custody or control of the animal; and the animal is not constrained by a leash or under the immediate control of the owner or person who has custody of the animal.

F. Leashing of dogs. No person owning, keeping or harboring any dog shall permit it to be upon any public street, alley, public park, recreation area, public ground, municipally owned property, or off of the premises of the owner or person who has custody or control of the animal unless such dog is accompanied by a responsible person over the age of eighteen (18) years and the dog is securely confined and controlled by an adequate leash not more than four (4) feet long.

G. Property damage. No person, owning, keeping or harboring a dog shall permit it to do any injury or to do any damage to any lawn, shrubbery, flowers, grounds or property.

**BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Mount Arlington, County of Morris, and the State of New Jersey, that the Borough Code Chapter 48 Animals,



Section §48-9.1. Impounding and destruction of certain cats is hereby amended and supplemented to read in its entirety as follows:

§ 48-9.1. Impounding and destruction of certain cats.

A. Causes for impounding. The Animal Control Officer shall take into custody and impound or cause to be taken into custody and impounded, any of the following cats:

- (1) Any unlicensed cat running at large in violation of the provisions of this chapter.
- (2) Any cat off the premises of the owner or of the person keeping or harboring the cat which the Animal Control Officer or agent has reason to believe is a stray cat.
- (3) Any cat off the premises of the owner or of the person keeping or harboring the cat without a current registration tag on its collar.

B. Access to premises. Any officer or agent authorized or empowered to perform any duty under this chapter is hereby authorized to go on any premises to seize for impounding any cat which may be lawfully seized and impounded when the officer is in immediate pursuit of the cat, except on the premises of the owner of the cat if the owner is present and forbids it.

C. Notice of seizure.

(1) If any cat so impounded or seized wears a registration tag, collar or harness showing the name and address of any person, or if the owner of or the person keeping or harboring the cat is known, the Animal Control Officer shall immediately serve on the person whose address is given on the collar, or on the person owning, keeping or harboring the cat, a written notice stating that the cat 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.

(2) A notice under this subsection 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 by mail in a prepared letter addressed to that person at that person's usual or last-known place of abode or to the address given on the collar.

D. Disposition of unclaimed cats. The Animal Control Officer is authorized and empowered to cause the destruction of any unclaimed cat, in as humane a manner as possible, under any of the following contingencies:

(1) When any cat so seized has not been claimed by the person owning, keeping or harboring the cat within seven (7) days after notice or within seven (7) days of the cat's detention when notice has not been or cannot be given, as set forth in Subsection C.

(2) If the person owning, keeping or harboring any cat so seized has not claimed the cat and has not paid all expenses incurred by reason of its detention, including maintenance, not to exceed twenty one dollars (\$21.00) for each day of impoundment plus ten dollars (\$10.00) for each vaccination and/or medication administered and ten dollars (\$10.00) for flea and/or tick treatments determined to be necessary.

(a) The following charges shall be paid to the Borough as expenses incurred by reasons of detention in accordance with the provisions of this section.

[1] Pickup of any cat:

First offense	\$ 45.00
Second offense	\$ 75.00
Third offense	\$100.00

[2] Euthanasia of cat \$ 35.00

[3] Disposal/cremation of cat \$ 35.00

[4] Quarantine of cat \$ 33.00 per day

(3) If the seized cat is unlicensed at the time of its seizure and the person owning, keeping or harboring the cat has not produced a license and registration tag as provided in this chapter.

E. Violations of section; penalty. Except as otherwise provided in this section, any person who violates, or who fails or refuses to comply with Section 48-9.1 of the Code of the Borough shall be punishable by a fine of not more than two thousand dollars (\$2,000.00) or imprisonment for not more than ninety (90) days or a period of community service not to exceed ninety (90) days, or any combination thereof.


**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed as to such inconsistencies.

**SECTION 3.** If any article, section, subsection, paragraph, phrase, or sentence is for any reason held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed separable.

**SECTION 4.** This Ordinance shall take effect upon final publication as provided by law.

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Mount Arlington, adopted on April 12, 2016 and will be further considered after a Public Hearing held on May 10, 2016 at the Municipal Building at 10:00 A

INTRODUCED:  
PUBLISHED:  
ATTEST:

  
\_\_\_\_\_  
Linda DeSantis, Borough Clerk

BOROUGH OF MOUNT ALRINGTON  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

  
\_\_\_\_\_  
Michael Stanzilis, Interim Mayor