

ORDINANCE #263<sup>264</sup>AN ORDINANCE PROVIDING FOR THE UNIFORM  
CONTROL AND LICENSING OF DOGS AND KENNELS  
IN THE TOWNSHIP OF NEPTUNE, IN THE COUNTY  
OF MONMOUTH

BE IT ORDAINED by the Township Committee of the  
Township of Neptune, in the County of Monmouth:

Section 1 DEFINITIONS. The words hereinafter de-  
fined shall have the meaning herein indicated for the purpose  
of this ordinance as follows:

(a) "Dog" shall mean any dog, bitch or spayed bitch.  
(b) "Dog of licensing age" shall mean any dog  
which has attained the age of seven months or which possesses  
a set of permanent teeth.

(c) "Kennel" shall mean any establishment wherein  
or whereon the business of boarding or selling dogs or breed-  
ing dogs for sale is carried on, except a pet shop.

(d) "Pet shop" shall mean any room or group of rooms  
cage or exhibition pen, not part of a kennel, wherein dogs  
for sale are kept or displayed.

(e) "Pound" shall mean an establishment for the con-  
finement of dogs seized either under the provisions of this  
ordinance or otherwise.

(f) "Shelter" shall mean any establishment where  
dogs are received, housed and distributed without charge.

(g) "Owner" when applied to the proprietorship of a  
dog shall mean and include every person having a right of prop-  
erty in such dog and every person who has such dog in his  
keeping.

(h) The word "Person" shall mean an individual,  
firm, partnership, corporation or association of persons.

(i) The words "and" and "or" may be used inter-  
changeably, and either of the two may be applicable, which-  
ever is more conducive towards the effectuating of this  
ordinance.

(j) Personal pronouns shall mean either the sing-  
ular or the plural, whichever is applicable and conducive to-  
wards the effectuating of this ordinance.

(k) The masculine, feminine or the neuter gender  
shall be implied, whichever is appropriate and conducive for  
the effectuating of this ordinance.

(l) "Township" shall mean Township of Neptune, in  
the County of Monmouth.

Section 2. No person shall keep or harbor any dog within  
the Township of Neptune, in the County of Monmouth without  
first obtaining a license therefor, to be issued by the Clerk  
of the Township upon application by the owner and payment of  
the prescribed fee, and no person shall keep or harbor any dog  
in said Township except in compliance with the provisions of  
this ordinance.

Section 3. Any person who shall own, keep or harbor a  
dog of licensing age shall in the month of January, one thou-  
sand nine hundred and forty-two, and annually thereafter,  
apply for and procure from the Clerk of the Township 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.

Section 4. The person applying for the license and registration tag shall pay a fee of One Dollar (\$1.00) for each male dog, and Two Dollars (\$2.00) for each female dog, and also the sum of Twenty-five Cents (\$0.25) for the registration tag of each dog; and for each annual renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag; and said licenses, registration tags and renewals thereof shall expire on the last day of January in each year.

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

Section 5. The owner of any newly-acquired dog of licensing age or of any dog which attains licensing age, shall make application for license and registration tag for such dog within ten days after such acquisition or age attainment.

Section 6. The application shall state the breed, sex, age, color and markings of the dog for which license and registration are sought, and whether it is of a long or short haired variety; also the name, street and post-office address of the owner and the person who shall keep or harbor such dog. The information on said application and the registration number issued for the dog shall be preserved for a period of three years by the Clerk of the Township. In addition he shall forward similar information to the State Department of Health each month, on forms furnished by the said department. Registration numbers shall be issued in the order of the applications.

Section 7. Any person who shall bring or cause to be brought into the Township of Neptune, in the County of Monmouth 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 Township for a period of more than ninety days, shall immediately apply for a license and registration tag for each such dog, unless such dog be licensed under Section nine of this ordinance.

Any person who shall bring or cause to be brought into the Township any unlicensed dog and shall keep the same or permit the same to be kept within the Township for a period of more than ten days, shall immediately apply for a license and registration tag for each such dog, unless such dog be licensed under Section nine of this ordinance.

Section 8. 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.

Section 9. Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound shall apply to the Clerk of the Township for a license entitling him to keep or operate such establishment.

The application shall describe the premises where the establishment is located or is proposed to be located, the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of the Health Officer of the Board of Health of the Township, showing compliance with the local and State rules and regulations governing location of and sanitation at such establishments.

All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained and all such licenses shall expire on the last day of January of each year, and be subject to revocation by the Township Committee on recommendations of the State Department of Health or the Board of Health of the Township for failure to comply with the rules and regulations of the State Department or the Board of Health of the Township governing the same after the owner has been afforded a hearing by either the State Department or the Board of Health of the Township.

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.

Section 10. The annual license fee for a pet shop shall be Ten Dollars (\$10.00). No fee shall be charged for a shelter or pound.

Section 11. No dog kept in a kennel, pet shop, shelter or pound shall be permitted off such premises, except on leash or in a crate or other safe control.

Section 12. License fees and other moneys collected or received under the provisions of this ordinance, except registration tag fees, shall be forwarded to the Treasurer of the Township within thirty days after collection or receipt and shall be placed in a special account separate from any of the other accounts of the Township and which shall be used for the following purposes only: for collecting, keeping and disposing of dogs liable to seizure under this ordinance; for local prevention and control of rabies; for providing anti-rabic treatment under the direction of the local 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 ordinance. 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 said 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 Township any amount then in such account which is in excess of the total amount paid into said special account during the last two fiscal years next preceding.

The registration tag of twenty-five cents (\$0.25) for each dog shall be forwarded within thirty days after collection by the Clerk to the State Department of Health.

Section 13. The Clerk of the Township shall forward to the State Department of Health a list of all kennels, pet shops, shelters and pounds licensed within thirty days after the licenses therefor are issued, which list shall include the name and address of the licensee and the kind of license issued.

Section 14. The Poundmaster of the Township shall promptly after February first, one thousand nine hundred and forty-two, and annually thereafter cause a canvass to be made of all dogs owned, kept or harbored within the limits of the Township and shall report to the Clerk of the Township the Board of Health of the Township, 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 such dogs, the number of licensed dogs owned, kept or harbored by each of said persons, together with the regis-

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tration numbers of each of said dogs, and the number of unlicensed dogs owned, kept or harbored by each of said persons together with a complete description of each of said unlicensed dogs.

Section 15. The Township Committee shall have power to appoint a Poundmaster, whose duty it shall be to enforce the provisions of this ordinance. The Township Committee shall also have power to appoint one or more persons, to be known as dog catchers, who may impound unlicensed dogs running at large in violation of the provisions of this ordinance.

Section 16. The Poundmaster of the Township shall take into custody and impound or cause to be taken unto custody and impounded, and thereafter destroyed or disposed of as provided in this section:

(a) Any dog off the premises of the owner or of the person keeping or harboring said dog which said official or his agent or agents have reason to believe is a stray dog;

(b) Any dog off the premises of the owner or of the person keeping or harboring said dog without a current registration tag on his collar;

(c) Any female dog in season off the premises of the owner or of the person keeping or harboring said dog.

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 the owner or the person keeping or harboring said dog is known, the Poundmaster shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said 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 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 place of abode, or at the address given on the collar, or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode, or to the address given on the collar.

When any dog so seized has been detained for seven days after notice, when notice can be given as above set forth, or has been detained for seven days after seizure, when notice has not been and cannot be given as above set forth, and if the owner or person keeping or harboring said dog has not claimed said dog and paid all expenses incurred by reason of its detention, including maintenance not exceeding fifty cents (\$0.50) per day, and if the dog be unlicensed at the time of the seizure and the owner or person keeping or harboring said dog has not produced a license and registration tag for said dog, the Poundmaster may cause the dog to be destroyed in manner causing as little pain as possible.

Section 17. Any officer or agent authorized or empowered to perform any duty under this ordinance 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 said owner is present and forbids the same.

Section 18. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this ordinance.

Section 19. No person shall keep, harbor or maintain any dog which habitually barks or cries between the hours of ten (10) P.M. and six (6) A.M.

Section 20. No person owning, keeping or harboring any dog shall suffer or permit it to run at large upon the public streets or in any public park, or in any public building, or in any other public place within the Township of Neptune, in the County of Monmouth.

Section 21. No person owning, keeping or harboring any dog shall suffer or permit it to be upon the public streets or in any of the public places of the Township of Neptune unless such dog is accompanied by a person over the age of twelve (12) years and is securely confined and controlled by an adequate leash not more than six (6) feet along.

Section 22. No person owning, keeping or harboring any dog over the age of two (2) months shall, during the months of July, August and September in each year, permit it upon a public highway or outside of the premises occupied by said owner unless such dog wears a muzzle securely fastened over its jaws in such a manner that it cannot bite.

The Township Committee may also designate any other times during which dogs outside the premises shall be muzzled such designation to be by publication at least three times in a newspaper in which legal notices of the Township may be published, and after such publication, no person owning, keeping or harboring a dog shall permit it upon a public highway public place or outside the premises occupied by the owner, during the period designated, unless such dog wears a muzzle securely fastened over its jaws in such a manner that it cannot bite.

Section 23. No person owning, keeping or harboring a dog shall permit or suffer it to do any injury, or to do any damage to any lawn, shrubbery, flowers grounds or property.

Section 24. Any dog which has attacked or bitten any human being, or which habitually attacks other dogs or domestic animals, is hereby defined to be a vicious dog, for the purposes of this section. It shall be the duty of the Chief or Acting Chief of the Police Department to receive and investigate complaints against dogs, and when any dog complained against shall be deemed by such Chief, or Acting Chief of the Police Department, to be a vicious dog, as herein defined, the said officer shall report the facts to the Recorder or Police Magistrate of Neptune Township, who shall thereupon cause the owner or person harboring such dog to be notified in writing of the complaint against such dog, and to appear before said Recorder or Magistrate at a stated time and place. The Recorder or Magistrate at the time set for such hearing, shall inquire into the facts, and give all interested persons an opportunity to be heard, under oath, and to be represented by counsel, and the Recorder or Magistrate shall decide in accordance with the evidence before him, and it the Recorder or Magistrate shall decide that such dog complained of is a vicious dog, as defined by this section, notice of such decision shall be given to the owner or person harboring such dog. No dog which has been so determined to be a vicious dog shall be permitted to run at large, or be upon any

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street or public place in the Township of Neptune, except while securely muzzled and under leash, as provided in this ordinance, and the owner or person harboring any such vicious dog who shall suffer or permit such dog to run at large or be upon any street or public place in said Township while not securely muzzled and under leash, shall be guilty of a violation of this ordinance.

Section 25. Every section of this ordinance or subdivision or separate part thereof, shall be considered a separate provision, to the intent that if any portion shall be declared ineffectual, it shall not affect the remaining parts of this ordinance.

Section 26. Any person who violates or refuses to comply with any part of any of the following sections, namely, two (2) three (3), five (5), seven (7), eight (8), nine (9), eleven (11) or eighteen (18) of this ordinance, or with the rules and regulations promulgated by the State Department of Health governing the sanitary conduct and operation of kennels, pet shops, shelters and pounds, to preserve sanitation therein and prevent the spread of rabies and other diseases of dogs within and from such establishments, shall be liable to a penalty of not less than Five Dollars (\$5.00) nor more than Fifty Dollars (\$50.00) for each offense, to be recovered by and in the name of the Township. A person who refuses or neglects to pay forthwith the amount of a judgment rendered against him and the costs and charges incident thereto shall be committed by the court to the county jail for a period not exceeding ten (10) days in the case of a first conviction, and in the case of a conviction for a second, subsequent or continuing violation, for a period not exceeding thirty (30) days.

Any person who violates or refuses to comply with any part of any of the following sections, namely, nineteen (19) twenty (20), twenty-one (21), twenty-two (22), twenty-three (23) or twenty-four (24) of this ordinance, shall be subject to a fine not exceeding Fifty Dollars (\$50.00) or to imprisonment for a period not exceeding thirty (30) days, or to both, in the discretion of the court.

Section 27. All ordinances and parts of ordinances inconsistent herewith are hereby repealed, and this ordinance shall take effect as of November 1, 1941, after publication in the manner provided by law.

Raymond R. Bracey  
Chairman

APPROVED: January 6, 1942

ADOPTED: January 20, 1942

ATTEST:

John W. Reed  
Township Clerk