

**MONROE TOWNSHIP, MIDDLESEX COUNTY**

**ORDINANCE NO.:** \_\_\_\_\_

**ORDINANCE OF THE MONROE TOWNSHIP COUNCIL  
AMENDING CHAPTER 33 OF THE CODE OF THE TOWNSHIP OF MONROE  
ENTITLED “DOGS, CATS AND OTHER ANIMALS”**

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**BE IT ORDAINED** by the Council of the Township of Monroe, County of Middlesex, State of New Jersey that Chapter 33 of the Code of the Township of Monroe is hereby amended and supplemented as follows:

**SECTION 1.**

**§33-1. 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 Chapter 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.

**CAT – Any member of the domestic feline species, male, female or altered.**

**CERTIFIED ANIMAL CONTROL OFFICER** - A person eighteen (18) years of age or older who has satisfactorily completed a course of study approved by the Commissioner of Health and Senior Services and the Police Training Commission as prescribed in N.J.S.A. 4:19-15.1 et seq. for a period of three (3) years.

**DEPARTMENT** - Shall mean the Department of Health and Senior Services.

**DOG** - Shall mean any dog or dog hybrid, bitch or spayed bitch.

**DOMESTIC ANIMAL** - Any cat, dog, or livestock other than poultry.

**IMMEDIATE** - The pet solid waste is removed at once, without delay.

**KENNEL** - Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

**LICENSE AGE** - Shall mean any dog **or cat** which has attained the age of seven (7) months or which possesses a set of permanent teeth.

**NEUTERED – Rendered permanently incapable of reproduction, as certified by a licensed veterinarian.**

**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 pet.

**PERSON** - Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

**PET** - A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

**PET SHOP** - Any place of business which is not part of a kennel, wherein animals, including but not limited to, dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.

**PET SOLID WASTE** - Waste matter expelled from the bowels of the pet; excrement, feces.

POTENTIALLY DANGEROUS DOG - Any dog or dog hybrid declared potentially dangerous by a municipal court pursuant to N.J.S.A. 4:19-23.

PROPER DISPOSAL - Placement of pet solid waste 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.

RESTRAINT - Any dog 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.

RUNNING AT LARGE - Any animal off the premises of the owner, and not under physical restraint and control of the owner/keeper or a responsible person, either by a leash, lead, cord, cage or other suitable means of physical restraint.

**SPAYED – Rendered permanently incapable of reproduction, as certified by a licensed veterinarian.**

VICIOUS DOG - Any dog or dog hybrid that has been declared vicious by a municipal court pursuant to N.J.S.A. 4:19-22.

**§ 33-2. Appointment of Animal Control Officer.**

The Mayor shall have the power to appoint a Certified Animal Control Officer whose duty it shall be to enforce the provisions of this Chapter.

**§ 33-3. License required.**

- A. License for dogs or cats of license age shall be required by:
  - (1) Any and every person who shall own, keep or harbor a dog or cat of license age shall, on or before January 31 of each year, procure from the Clerk of the Township of Monroe, a license and official metal registration tag for each dog or cat so owned, kept or harbored and shall place upon each such dog or cat, a collar or harness with the registration tag securely fastened thereto.
  - (2) Any dog or cat of license age acquired by any and every person during the course of any calendar year and kept within the township for more than ten (10) days after acquisition.
  - (3) Any dog or cat attaining license age during the course of the calendar year.
  - (4) Any dog or cat of license age licensed by another state, brought into the township by any and every person and kept within the township for more than ninety (90) days.
- B. Only one (1) license and registration tag shall be required in any licensing year for a dog or cat owned in New Jersey, and a license and tag issued by other municipalities of this state shall be accepted by the township as evidence of compliance with this chapter.

**§ 33-4. License application.**

- A. Each application for a dog or cat license shall be made to the Clerk of the Township of Monroe and shall contain the following information:
  - (1) A general description of the dog or cat sought to be licensed, including breed, sex, age, color, and whether the dog or cat is of the long- or short-haired variety, and shall state whether the dog has been surgically debarked or silenced.
  - (2) Name, street, post office address and telephone number of the owner of the dog or cat, or of the person who shall keep the dog or cat, if other than the owner.

- (3) The Clerk of the Township or other local official shall forward to the State Department of Health and Senior Services each month, on forms furnished by the Department, an accurate account of registration numbers issued or otherwise disposed of.
- B. Proof of rabies vaccination, extending through at least ten (10) months of the twelve (12) month licensing period, must accompany the application.
- C. If the dog or cat has been spayed or neutered, and the animal has never been previously licensed by the township, proof of spaying and neutering must accompany the application.
- D. The application shall be accompanied by the fees prescribed in Chapter 39 entitled "Fee" of the Code of the Township of Monroe.
- E. Registration number and tag shall be issued in the order in which they are received. A uniform official metal registration tag designed by the State of New Jersey Department of Health shall be issued and shall be numbered serially and shall bear the year of issuance and the name of the Township of Monroe.

**§ 33-5. Exemption from fee for certain dogs.**

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," or dogs used to assist deaf persons and commonly known as "hearing ear" dogs shall be licensed and registered in the same manner as other dogs, except that the owner or keeper of such dog shall not be required to pay any fees.

**§ 33-6. Vaccination required.**

No person shall own a dog or cat, including farm cats, within the Township of Monroe unless it has been vaccinated against rabies.

**§ 33-7. Vaccination procedure.**

Vaccinations shall be administered by a veterinarian licensed to practice in the State of New Jersey. The vaccine used shall be from a manufacturer licensed by the Bureau of Animal Industry of the United States Department of Agriculture. The dosage shall be as recommended by the manufacturer.

**§ 33-8. Dogs and cats not required to be vaccinated.**

- A. The Director of Health and Welfare may exempt any dog or cat from the provisions of Sections 33-6 through 33-40 9 if there is presented a certificate from a licensed veterinarian stating that it would be undesirable to vaccinate a particular dog or cat for a specified period of time because of the age of the dog or cat, or an infirmity or other physical condition.
- B. No vaccination shall be required for any dog or cat confined to a licensed kennel, animal shelter, pet shop, or veterinary hospital.

**§ 33-9. Certificate of vaccination.**

Evidence of rabies vaccination shall be in the form of a certificate issued by the veterinarian performing the vaccination. The certificate shall either be on a form approved by the Director of Health and Welfare or on a standard immunization certificate used by the veterinarian.

**§ 33-10. Use of registration tags.**

No person, except the Animal Control Officer or a Police Officer in the performance of his/her duties, shall remove a registration tag from the collar of any dog or cat without the consent of the owner, or attach a registration tag to a dog or cat for which it was not issued.

**§ 33-11. Running at large prohibited.**

No person owning or charged with the care of, ~~keeping or harboring~~ an animal shall permit it to run at large upon the public streets or in any public park, in any public building or in any other public place within the township, nor permit an animal to run at large upon private property without the permission of the owner.

**§ 33-12. Leashing of dogs.**

No person owning or charged with the care of any, ~~keeping or harboring any~~ dog shall permit it **to be upon any of** the public streets or in any other public place in the township unless the dog is securely fastened to an adequate leash not more than eight (8) feet long and is accompanied by a person capable of controlling it.

**§ 33-13. Noise disturbance (barking dogs).**

“Noise disturbance” may be defined as sounds made from any animal or bird, frequently or for continued duration that creates a disturbance across a residential real property line. “Noise disturbance from a barking dog” may be defined as that created by a dog barking continuously for ten (10) minutes or intermittently for thirty (30) minutes.

**§ 33-14. Property damage.**

No person owning or charged with the care of ~~having the care, custody or in control of~~ any animal shall permit it to **soil, defile or to do any injury or** damage **to** any lawn, shrubbery, flowers, grounds, **trees** or other property **of persons other than the owner or person charged with the care of** ~~having the care, custody or control of such dog. The owner or custodian person charged with the care of said dog shall be responsible for the damages done by said dog.~~

**§33-15. Nuisances prohibited; curbing of animal; responsibility.**

- A. No person, agency or institution owning, ~~harboring, keeping or in charge or charged with the care~~ of any dog shall cause, suffer or allow such animal to soil, defile, defecate or commit any nuisance upon any public or private property whatsoever, except with the express authority or permission of the owner of said property.
- B. The restriction in this section shall not apply to the portion of the street lying between the curb lines or, in the absence of curb, the portion of street lying between the edge of the roadway shoulder and the right-of-way line, which may be used to curb such animals under the following conditions:
  - (1) All pet owners and keepers who so curbs such animal shall be 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.
  - (2) The pet’s solid waste removed from the aforementioned designated area shall be properly disposed of by the person owning, harboring, keeping or in charge of the animal curbed in accordance with the provisions of this section.
- C. 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.
- D. **No owner shall fail to exercise proper control of his dog to prevent it from becoming a public nuisance. Excessive, continuous or untimely barking, ~~m~~Creating a noise disturbance, 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.**
- DE. The provisions of this Article shall be enforced by the Animal Control Officer and Public Health Official of the Township of Monroe.

§ 33.15.1. Failure to Provide Proper Care; Tethering.

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

B. Tethering of dogs.

(1) Definition. "Tether" means to fasten an animal by any device (such as a rope or chain) so that it can range only within a set radius.

~~(1)~~(2) It is unlawful to chain or tether unaltered animals (dogs or cats that are unsprayed or unneutered) in any manner and / or at any time within the Township.

~~(2)~~(3) Altered animals (dogs or cats that have been spayed or neutered) may be tethered only under the following circumstances:

- (a) Tethers must allow the animal access to shelter, food and water and can be used only in an area where it will not be tangled around objects.
- (b) If there are multiple dogs, each dog shall be tethered separately and in such a manner that the tethers shall not become entangled with each other.
- (c) Tethers must be at least fifteen (15') feet in length, have an operative swivel on both ends, weigh no more than 1/8 of the dog's weight and be attached to a properly fitting buckle type collar or body harness made of nylon or leather.
- (d) Tethers must be free of attached weights and if links are utilized, they must not be over one-quarter (1/4) inch thick.
- (e) The collar used for tethering may not be a choke chain collar, slip collar or prong collar.
- (f) The tether must restrain the dog within the bounds of the owner's or custodian's property.
- (g) The area in which the animal is tethered must be kept free of insect infestation, such as ant hills, wasp nests, fleas, ticks and maggot infestations.
- (h) The tether cannot inhibit the movement of the animal's limbs or cause injury, harm, entanglement or strangulation.
- (i) Dogs may be tethered for no more than seven (7) consecutive hours in any twenty-four hour period of time and never between sunset and sunrise.
- (j) No dog may be tethered at a vacant structure or premises for any purpose when it is not monitored by a competent adult who is present at the property for the duration of the tethering.
- (k) No dog that is sick or injured shall be tethered.
- (l) No dog may be tethered outdoors during a ~~National Weather Service issued~~ Alerts or sStorm wWarnings.

**C. Dog Shelters.**

- (1) Dog Shelters shall be a suitable size to accommodate the dog in both standing and lying positions.
- (2) It shall be moisture-proof, windproof, ventilated and in cold temperatures shall promote the retention of body heat.
- (3) It shall be made of durable material with a solid, moisture-proof floor raised a minimum of two (2) inches from the ground.
- (4) It shall have a sufficient quantity of clean bedding material consisting of hay, straw, cedar shavings, or equivalent to provide insulation and protection against cold and dampness.
- (5) Drinking water shall be available in a clean, liquid state. Snow or ice is not an acceptable water source.
- (6) The doghouse or similar structure and the surrounding area shall be free from excessive dirt, trash and waste.
- (7) For temperatures below 32 degrees Fahrenheit, the doghouse or structure shall have a wind break at the entrance.
- (8) For temperatures above 85 degrees Fahrenheit, all dogs must be afforded one or more separate areas of shade large enough to accommodate the entire body of each dog and protect them from the direct rays of the sun.
- (9) No animal shall remain outdoors during National Weather Service issued Alerts or Storm Warnings.

**§ 33-15.2. Restrictions on leaving Dogs or Cats Outdoors.**

- A. No dog or cat shall be confined in a parked or standing vehicle or enclosed trailer for a period of fifteen (15) or more minutes when the temperature during such period is either below 40° Fahrenheit or above 85° Fahrenheit.

**§ 33-16. Seizure and Impoundment of animals.**

The Animal Control Officer and Police Officers shall take into custody and impound any of the following animals:

- A. Any animals, other than dogs, running at large in violation of the provisions of this Chapter.
- B. Any animals off the premises of the owner or of the person ~~keeping or harboring said animal~~ charged with the care of the dog/animal, which the Animal Control Officer or a Police Officer has reason to believe is a stray ~~dog or cat~~animal.
- C. Any dog or cat off the premises of its owner or of the person ~~keeping or harboring said~~ charged with the care of the animal without a current registration tag on its collar.
- D. Any female dog in-season off the premises of its owner or of the person keeping or ~~harboring said dog~~ charged with the care of the dog.
- E. ~~Any unmuzzled dog or cat which has been determined to be a vicious dog or cat in the manner provided in Sections 33-29 through 33-32 of this Chapter.~~
- E. **Any dog, cat or other animal, other than a dog, with a dangerous or vicious propensity or noticeably infected with rabies or bitten by a dog, cat or other animal suspected of having rabies.**

~~F. Any dog or other animal which is suspected to be rabid.~~ F. Any dog or other animal which is suspected to be rabid.

~~G.F.~~ **G.F.** Any dog or other animal off the premises of the owner or the person charged with its care that is 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

~~G.~~ **H**Any dog, cat or other animal as authorized by the provisions of N.J.S.A. 4:19-15.16.

### ~~§ 33-17. Destruction of certain dogs, cats and other animals.~~

~~The Animal Control Officer or any Police Officer, in the performance of his/her duties, may destroy any of the following animals:~~

~~A. Any dog determined to be a vicious dog in the manner provided in 33-29 through 33-32, or any dog or cat which has just attacked a human being without provocation and which cannot be seized with safety.~~

~~B. Any animal which is, or appears to be suffering from rabies, or which is otherwise immediately dangerous to the public.~~

~~H.G. Any animal which has been so badly injured that it cannot be moved or helped by a veterinarian.~~

### § 33-17.8. Notice of seizure; time to hold prior to adoption; destruction; relocation or sterilization; boarding costs; transfer of ownership; experimentation prohibited; penalty; reporting of rabid animals~~Notice of seizure.~~

A. (1) If an animal taken into custody and impounded pursuant to Section 33-16 has a collar or harness with identification of the name and address of any person, or has a registration tag, or has a microchip with an identification number that can be traced to the owner or person charged with the care of the animal, or the owner or the person charged with the care of the animal is otherwise known, the certified animal control officer shall ascertain the name and address of the owner or the person charged with the care of the animal, and serve to the identified person as soon as practicable, a notice in writing that the animal has been seized and will be liable to be offered for adoption or euthanized if not claimed within seven days after the service of the notice.

(2) A notice required pursuant to this section may be served: (1) 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 residence or the address given on the collar, harness, or microchip identification; or (2) by mailing the notice to that person at the person's usual or last known place of residence, or to the address given on the collar, harness or microchip identification.

B. A shelter, pound, or kennel operating as a shelter or pound receiving an animal from a certified animal control officer pursuant to Section 33-16, or from any other individual, group, or organization, shall hold the animal for at least seven days before offering it for adoption, or euthanizing, relocating, or sterilizing the animal, except if:

(1) the animal is surrendered voluntarily by its owner to the shelter, pound, or kennel operating as a shelter or pound, in which case the provisions of Subsection C of this ~~S~~section shall apply; or

(2) the animal is suspected of being rabid, in which case the provisions of Subsection H. of this ~~S~~section shall apply.

C. If a shelter, pound or kennel operating as a shelter or pound is not required to hold an animal for at least seven days pursuant to paragraph (1) of Section B, the shelter, pound, or kennel operating as a shelter or pound:

(1) shall offer the animal for adoption for at least seven days before euthanizing it; or

(2) may transfer the animal to an animal rescue organization facility or a foster home prior to offering it for adoption if such a transfer is determined to be in the best interest of the animal by the shelter, pound, or kennel operating as a shelter or pound.

D. Except as otherwise provided for under Subsection C of this Section, no shelter, pound, or kennel operating as a shelter or pound receiving an animal from a certified animal control officer may transfer the animal to an animal rescue organization facility or a foster home until the shelter, pound, or kennel operating as a shelter or pound has held the animal for at least seven days.

E. If the owner or the person charged with the care of the animal seeks to claim it within seven days, or after the seven days have elapsed but before the animal has been adopted or euthanized, the shelter, pound, or kennel operating as a shelter or pound:

(1) shall, in the case of a cat or dog, release it to the owner or person charged with its care, provided the owner or person charged with the care of the animal provides proof of ownership, which may include a valid cat or dog license, registration, rabies inoculation certificate, or documentation from the owner's veterinarian that the cat or dog has received regular care from that veterinarian;

(2) may, in the case of a cat or dog, charge the cost of sterilizing the cat or dog, if the owner requests such sterilizing when claiming it; and

(3) may require the owner or person charged with the care of the animal to pay all the animal's expenses while in the care of the shelter, pound, or kennel operating as a shelter or pound, not to exceed \$4 per day.

F. If the animal remains unclaimed, is not claimed due to the failure of the owner or other person to comply with the requirements of this Section, or is not adopted after seven days after the date on which notice is served pursuant to Subsection A. of this Section or, if no notice can be served, not less than seven days after the date on which the animal was impounded, the impounded animal may be placed in a foster home, transferred to another shelter, pound, kennel operating as a shelter or pound, or animal rescue organization facility, or euthanized in a manner causing as little pain as possible and consistent with the provisions of R.S.N.J.S.A. 4:22-19.

G. At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog or other animal taken into custody, impounded, sent or otherwise brought to a shelter, pound, or kennel operating as a shelter or pound shall be sold or otherwise be made available for the purpose of experimentation. Any person who sells or otherwise makes available any such dog or other animal for the purpose of experimentation shall be guilty of a crime of the fourth degree.



H. Any animal seized under this Section suspected of being rabid shall be immediately reported to the executive officer of the local board of health and to the Department of Health, and shall be quarantined, observed, and otherwise handled and dealt with as appropriate for an animal suspected of being rabid or as required by the Department of Health for the animals.

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I. When a certified animal control officer takes into custody and impounds, or causes to be taken into custody and impounded, an animal, the certified animal control officer may place the animal in the custody of, or cause the animal to be placed in the custody of, only a licensed shelter, pound, or kennel operating as a shelter or pound. The certified animal control officer may not place the animal in the custody of, or cause the animal to be placed in the custody of, any animal rescue organization facility, foster home, or other unlicensed facility. However, the licensed shelter, pound, or kennel operating as a shelter or pound may place the animal in an animal rescue organization facility, foster home, or other unlicensed facility if necessary pursuant to Subsections C and F, of this Section.

J. Notwithstanding the provisions of this Section and N.J.S.A. 4:19-15.30 and 15.31 to the contrary, no cat or dog being transferred between shelters, pounds, or kennels operating as shelters or pounds, or being transferred to an animal rescue organization facility or placed in a foster home, shall be required to be sterilized prior to that transfer.

~~\_\_\_\_\_ If any animal impounded or seized, wears a registration tag or a collar or harness having inscribed on or attached to it, the name and address of any person or the owner of the animal, a notice shall immediately be served on the person whose address is given on the collar or on the person owning the animal, stating that the animal has been seized and will be liable to be offered for adoption 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 last known place of abode, or at the address given on the collar, or by forwarding it by mail on a prepaid postcard, addressed to the person at his usual or last known place of abode, or to the address given on the collar.~~

~~A. The Animal Control Officer may cause an animal to be destroyed in a manner causing as little pain as possible and consistent with the provisions set forth in R.S. 4:22-19 or offered for adoption seven (7) days after seizure, provided that:~~

~~(1) Notice is given as set forth above and the animal remains unclaimed.~~

~~(2) The owner or person keeping or harboring the animal has claimed the animal and paid all expenses incurred by reason of its detention, including maintenance costs.~~

~~B. At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog or other animal so caught and detained or procured, attained, sent or brought to a pound or shelter, shall be sold or otherwise made available for the purpose of experimentation.~~

### **§ 33-19. Disposition of impounded animals.**

~~Any impounded animal may be destroyed in as humane a manner as possible under any of the following contingencies as set forth in N.J.S.A. 4:22-19 or offered for adoption seven (7) days after seizure provided that:~~

~~A. A seized animal which has not been claimed by any person within seven (7) days after notice, or within seven (7) days of the animal's seizure when notice cannot be given.~~

~~B. If the owner or person keeping or harboring the animal seized has not paid all expenses incurred by reason of its seizure, including a maintenance charge not to exceed four dollars (\$4.) per day.~~

**[NEW] § 33-1820. Fee for seizing and/or impounding of animal.**

Any person whose animal shall be seized by the Animal Control Officer or a Police Officer, shall pay an administration fee of twenty-five dollars (\$25.) to the Township Clerk for each time that an animal has been picked up and impounded, and the full maintenance charge to the holding facility for each full or partial day held, not exceeding four dollars (\$4.) per day or the limit set forth in N.J.S.A. 4:19-15.16.

**[NEW] § 33-2419. Quarantining of certain dogs or cats authorized.**

When any dog or cat attacks or bites a human being, any officer or agent authorized or empowered to perform any duty under this chapter, may order the owner of the dog or cat to confine it, either on the owner's premises or at any other reasonable location designated by the officer for a period of at least ten (10) days. The expenses of such confinement shall be borne by the owner of the confined animal.

**[NEW] § 33-2220. Examination of quarantined dog or cat.**

Any officer or agent authorized or empowered to perform any duty under this chapter shall have the right to examine any dog or cat confined under the provisions of Section 33-21 at any reasonable time, including daily examination, for a period of ten (10) days after the dog or cat has attacked or bitten any person, to ascertain whether the animal shows symptoms of rabies.

**[NEW] § 33-2321. Release from quarantine.**

Regardless of whether or not the period of time from which the owner was directed to confine the dog or cat has expired, no dog or cat confined under the provisions of Section 33-21 shall be released from quarantine until the Animal Control Officer issues a certificate of release. The certificate shall only be issued after either the person designated by the Animal Control Officer, or his representative, has examined the dog or cat or a licensed veterinarian has certified, in writing, that the animal appears to be healthy and free from rabies.

**[NEW] § 33-2422. General quarantine.**

Whenever the Animal Control Officer, or his/her representative, is notified by the State Department of Health, or Officer determines that a danger of an epidemic of rabies in the Township of Monroe exists, he/she shall order all persons owning or having custody of dogs or cats in the township to confine their dogs or cats to their premises. Notice that any such order has been issued may be either written or oral and may be served personally, by mail, by publication in a newspaper circulating in the township, by conspicuously posting it in a public place or by any other method calculated to actually reach the persons affected.

**[NEW] § 33-2523. Access to premises.**

Any Officer authorized or empowered to perform any duty under this Chapter may go upon any premises to seize for impounding, any animal or animals which he/she may lawfully seize and impound when he/she is in immediate pursuit of such animal or animals, except that he/she shall not go upon the premises of the owner of the animal if the owner is present and forbids it.

**[NEW] § 33-2624. Interference with enforcement prohibited.**

No person shall interfere with anyone authorized or empowered to perform any duty under this Chapter.

**[NEW] § 33-2725. Kennels.**

Any person, firm or corporation conducting, managing or operating any kennel and engaged in the business of boarding or housing animals within the limits of the Township of Monroe, shall pay for the privilege of maintaining, conducting or operating such kennel, the license fee being established by N.J.S.A. 4:19-15.9. Any person, firm or corporation 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.

**[NEW] § 33-27-126. List of licensed kennels, pet shops, shelters and pounds.**

The Clerk or other official designated to license dogs in the municipality 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 have been issued. The list shall include the name and address of the licensee and the kind of license issued.

**[NEW] § 33-2827. Investigation of complaints of vicious or potentially dangerous dogs or cats; report of findings.**

It shall be the duty of the Chief of Police and/or the Animal Control Officer and/or any Police Officer to receive and investigate complaints against a dog. ~~If he/she deems the dog a vicious dog, as defined in Section 33-1 of this Chapter and in accordance with N.J.S.A. 4:19-19, he/she shall issue a township summons to the owner.~~ **The Animal Control Officer shall act in accordance with N.J.S.A. 4:19-17 et seq., when the Animal Control Officer has reasonable cause to believe that a dog may be declared vicious or potentially dangerous as prescribed by said statute.**

**§ 33-28.1. Seizure and Impoundment of dog.**

~~The Animal Control Officer shall seize and impound a dog when the officer has reasonable cause to believe that the dog:~~

~~a. attacked a person and caused death or serious bodily injury as defined in N.J.S.A. 2C:11-1(b) to that person;~~

~~b. caused bodily injury as defined in N.J.S.A. 2C:11-1(a) to a person during an unprovoked attack and poses a serious threat of harm to persons or domestic animals;~~

~~c. engaged in dog fighting activities as described in R.S. 4:22-24 and R.S. 4:22-26; or~~

~~d. has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.~~

~~The dog shall be impounded until the final disposition as to whether the dog is vicious or potentially dangerous. Subject to the approval of the municipal health officer, the dog may be impounded in a facility or other structure agreeable to the owner.~~

**§ 33-29. Notice of seizure and impoundment; determination of identity of owner; notice of hearing; return of statement by owner; destruction of dog**

~~a. The Animal Control Officer shall notify the municipal court and the municipal health officer immediately that he has seized and impounded a dog, or that he has reasonable cause to believe that a dog has killed another domestic animal and that a hearing is required. The Animal Control Officer shall, through a reasonable effort, attempt to determine the identity of the owner of any dog seized and impounded. If the owner cannot be identified within seven (7) days, the animal may be humanely destroyed.~~

~~b. The Animal Control Officer shall, within three (3) working days of the determination of the identity of the owner of a dog seized and impounded, notify the owner by certified mail, return receipt requested, concerning the seizure and impoundment, and that, if the owner wishes, a hearing will be held to determine whether the impounded dog is vicious or potentially dangerous. This notice shall also require that the owner return within seven (7) days, by certified mail or hand delivery, a signed statement indicating whether he wishes the hearing to be conducted, or, if not, to relinquish ownership of the dog, in which case the dog may be humanely destroyed. If the owner cannot be notified by certified mail, return receipt requested, or refuses to sign for the certified letter, or does not reply to the certified letter with a signed statement within seven (7) days of receipt, the dog may be humanely destroyed.~~

**§ 33-30. ~~Agreement between municipality and dog owner; settlement and disposition; liability of municipality; legal expenses~~**

~~Notwithstanding any provision in P.L. 1989, c. 307 (C. 4:19-17 et seq.) to the contrary, the municipality and the owner of the dog may settle and dispose of the matter at any time in such manner and according to such terms and conditions as may be mutually agreed upon. Notwithstanding any provision of P.L. 1989, c. 307 to the contrary, no municipality or any of its employees shall have any liability by virtue of having entered into any settlement agreement pursuant to this section, or for any action or inaction related to the entry into such agreement, for any injuries or damages caused thereafter by the dog. The municipality may, as a condition of the settlement agreement, also require that the owner of the dog hold the municipality harmless for any legal expenses or fees the municipality may incur in defending against any cause of action brought against the municipality notwithstanding the prohibition against such causes of action set forth in this section.~~

**[NEW] § 33-34~~28~~. Finding to declare dog vicious or potentially dangerous; grounds**

**Vicious and potentially dangerous dogs are regulated pursuant to N.J.S.A. 4:19-17 et seq.**

~~a. — The municipal court shall declare the dog vicious if it finds by clear and convincing evidence that the dog:~~

~~(1) — killed a person or caused serious bodily injury as defined in N.J.S.A. 2C:11-1(b) to a person; or~~

~~(2) — has engaged in dog fighting activities as described in R.S. 4:22-24 and R.S. 4:22-26.~~

~~b. — A dog shall not be declared vicious for inflicting death or serious bodily injury as defined in N.J.S.A. 2C:11-1(b) upon a person if the dog was provoked. The municipality shall bear the burden of proof to demonstrate that the dog was not provoked.~~

~~c. — If the municipal court declares a dog to be vicious, and no appeal is made of this ruling pursuant to section 9 of P.L. 1989, c. 307 (C. 4:19-25), the dog shall be destroyed in a humane and expeditious manner, except that no dog may be destroyed during the pendency of an appeal.~~

**§ 33-32. ~~Confinement of dogs found to be potentially dangerous vicious~~**

~~No person owning or having control of a dog which has been determined to be potentially dangerous shall permit it to be outside the confines of a building structure unless the yard or property is enclosed in such a fashion that the dog will not be able to run at large.~~

**§ 33-33. ~~Finding to declare dog potentially dangerous~~**

~~a. — The municipal court shall declare a dog to be potentially dangerous if it finds by clear and convincing evidence that the dog:~~

~~(1) — caused bodily injury as defined in N.J.S.A. 2C:11-1(a) to a person during an unprovoked attack, and poses a serious threat of bodily injury or death to a person, or~~

~~(2) — severely injured or killed another domestic animal, and~~

~~(a) — poses a threat of serious bodily injury or death to a person;~~  
~~or~~

~~(b) — poses a threat of death to another domestic animal, or~~

~~(3) — has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.~~

~~b. — A dog shall not be declared potentially dangerous for:~~

~~(1) — causing bodily injury as defined in N.J.S.A. 2C:11-1(a) to a person if the dog was provoked, or~~

~~(2) — severely injuring or killing a domestic animal if the domestic animal was the aggressor.~~

~~For the purposes of paragraph (1) of this subsection, the municipality shall bear the burden of proof to demonstrate that the dog was not provoked.~~

### **§ 33-34. Registration of potentially dangerous dog; conditions**

~~If the municipal court declares the dog to be potentially dangerous, it shall issue an order and a schedule for compliance which, in part:~~

~~a. — shall require the owner to comply with the following conditions:~~

~~(1) — to apply, at his own expense, to the municipal clerk or other official designated to license dogs pursuant to section 2 of P.L. 1941, c. 151 (C. 4:19-15.2), for a special municipal potentially dangerous dog license, municipal registration number and red identification tag issued pursuant to 33-40 of this Chapter. The owner shall, at his own expense, have the registration number tattooed upon the dog in a prominent location. A potentially dangerous dog shall be impounded until the owner obtains a municipal potentially dangerous dog license, municipal registration number, and red identification tag.~~

~~(2) — to display, in a conspicuous manner, a sign on his premises warning that a potentially dangerous dog is on the premises. The sign shall be visible and legible from 50 feet of the enclosure required pursuant to paragraph (3) of this subsection;~~

~~(3) — to immediately erect and maintain an enclosure for the potentially dangerous dog on the property where the potentially dangerous dog will be kept and maintained, which has sound sides, top and bottom to prevent the potentially dangerous dog from escaping by climbing, jumping or digging and within a fence of at least six feet in height separated by at least three feet from the confined area. The owner of a potentially dangerous dog shall securely lock the enclosure to prevent the entry of the general public and to preclude any release or escape of a potentially dangerous dog by an unknowing child or other person. All potentially dangerous dogs shall be confined in the enclosure or, if taken out of the enclosure, securely muzzled and restrained with a tether approved by the animal control officer and having a minimum tensile strength sufficiently in excess of that required to restrict the potentially dangerous dog's movements to a radius of no more than three feet from the owner and under the direct supervision of the owner;~~

~~b. — may require the owner to maintain liability insurance in an amount determined by the municipal court to cover any damage or injury caused by the potentially dangerous dog. The liability insurance, which may be separate from any other homeowner policy, shall contain a provision requiring the municipality in which the owner resides to be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.~~

### **§ 33-35. Appeal of decision**

~~The owner of the dog, or the animal control officer in the municipality in which the dog was impounded, may appeal any final decision, order, or judgment, including any conditions attached thereto, of a municipal court pursuant to P.L. 1989, c. 307 (C. 4:19-17 et seq.) by filing an appeal with the Superior Court, Law Division, in accordance with the Rules Governing the Courts of the State of New Jersey pertaining to appeals from courts of limited jurisdiction. The Superior Court shall hear the appeal by conducting a hearing de novo in the manner established by those rules for appeals from courts of limited jurisdiction.~~

**~~§ 33-36. Liability of owner for costs of impoundment and destruction~~**

~~a. — If a dog is declared vicious or potentially dangerous, and all appeals pertaining thereto have been exhausted, the owner of the dog shall be liable to the municipality in which the dog is impounded for the costs and expenses of impounding and destroying the dog.~~

~~b. — If the dog has bitten or exposed a person within 10 days previous to the time of euthanasia, its head shall be transported to the New Jersey State Department of Health laboratory for rabies testing.~~

**~~§ 33-37. Hearing on subsequent actions of dog~~**

~~If the municipal court finds that the dog is not vicious or potentially dangerous, the municipal court shall retain the right to convene a hearing to determine whether the dog is vicious or potentially dangerous for any subsequent actions of the dog.~~

**~~§ 33-38. Obligation of owner of potentially dangerous dog~~**

~~The owner of a potentially dangerous dog shall:~~

~~a. — comply with the provisions of P.L. 1989, c. 307 (C. 4:19-17 et seq.) in accordance with a schedule established by the municipal court, but in no case more than 60 days subsequent to the date of determination;~~

~~b. — notify the licensing authority, local police department or force, and the animal control officer if a potentially dangerous dog is at large, or has attacked a human being or killed a domestic animal;~~

~~c. — notify the licensing authority, local police department or force, and the animal control officer within 24 hours of the death, sale or donation of a potentially dangerous dog;~~

~~d. — prior to selling or donating the dog, inform the prospective owner that the dog has been declared potentially dangerous;~~

~~e. — upon the sale or donation of the dog to a person residing in a different municipality, notify the department and licensing authority, police department or force, and animal control officer of that municipality of the transfer of ownership and the name, address and telephone of the new owner; and~~

~~f. — in addition to any license fee required pursuant to section 3 of P.L. 1941, c. 151 (C. 4:19-15.3), pay a potentially dangerous dog license fee to the municipality as provided by section 15 of P.L. 1989, c. 307 (C. 4:19-31).~~

**~~§ 33-39. Violations by owner; fine, seizure, impoundment of dog~~**

~~The owner of a potentially dangerous dog who is found by clear and convincing evidence to have violated this act, or any rule or regulation adopted pursuant thereto, or to have failed to comply with a court's order, shall be subject to a fine of not more than \$1,000 per day of the violation, and each day's continuance of the violation shall constitute a separate and distinct violation. The municipal court shall have jurisdiction to enforce this section. An animal control officer is authorized to seize and impound any potentially dangerous dog whose animal fails to comply with the provisions of P.L. 1989, c. 307 (C. 4:19-17 et seq.) or any rule or regulation adopted pursuant thereto, or a court's order. The municipal court may order that the dog so seized and impounded be destroyed in an expeditious and humane manner.~~

**~~§ 33-40. Municipality to register, identify potentially dangerous dogs; publicize phone numbers for reporting of violations~~**

~~Municipality shall:~~

~~a. — issue a potentially dangerous dog registration number and red identification tag along with a municipal potentially dangerous dog license upon a demonstration of sufficient evidence by the owner to the animal control officer that he~~

~~has complied with the court's orders. The last three digits of each potentially dangerous dog registration number issued by a municipality will be the three number code assigned to the municipality in the regulations promulgated pursuant to section 17 of P.L. 1989, c. 307 (C. 4:19-33). The animal control officer shall verify, in writing, compliance to the municipal clerk or other official designated to license dogs in the municipality;~~

~~b. publicize a telephone number for reporting violations of this act. This telephone number shall be forwarded to the department and any changes in this number shall be reported immediately to the department.~~

**[NEW] § 33-4129. Fee for potentially dangerous and vicious dog license**

**In addition to any other license fee required the municipality shall charge an annual fee of \$300 for a potentially dangerous ~~and/or vicious~~ dog license and for each annual renewal thereof.**

**§ 33-42. Monthly inspection to verify compliance**

~~The animal control officer shall inspect the enclosure and the owner's property at least monthly to determine continuing compliance with § 33-34 of this Chapter.~~

**[NEW] § 33-4330. Registration, attack or guard dog**

Any and all persons owning or controlling an attack or guard dog on premises within the municipality, shall file with the Township Clerk, a certificate of registration which shall set forth the name(s) of the owner(s) and person(s) in control of such premises and the street address thereof. Said registration shall occur within seventy-two (72) hours from the time said dog is brought to the premises. Registration of each guard or attack dog shall be accompanied by a fee of twenty-five (\$25.) for each dog so registered.

A. The Animal Control Officer or his designee shall notify the Police Department, the Board of Fire Commissioners, each Fire Department, and each First Aid Squad servicing the township or any part thereof of the fact that an animal has been registered under the provisions of this section.

B. Any and all persons owning or controlling an attack or guard dog shall also secure from the Township of Monroe, a tag indicating that the animal is registered as an attack or guard dog. Said tag shall not be issued unless the person owning or controlling said attack or guard dog shall furnish proof that the animal has been inoculated with a rabies vaccine and has been registered with the Township Clerk.

~~C.~~ C. Failure to register the attack or guard dog and to secure the tag and have the tag securely fastened to the animal shall be a violation of this chapter.

**[NEW] § 33-4431. Guard or security services procedures**

It shall be unlawful for any guard or security service to have upon any premises within the township any guard or attack dog unless:

A. The guard or attack dog has been registered with the Township Clerk and has secured a registration tag as provided for by this chapter.

B. The guard or security service has maintained a telephone number to which a call may be placed to a responsible person of said service, twenty-four (24) hours per day.

**[NEW] § 33-4532. Posting of signs**

A. The owner, or other persons in control if not the owner, of all premises upon which attack or guard dogs are maintained, shall post signs stating, "Warning ~~—~~ Attack or Guard Dog(s) on Premises".

B. If attack or guard dogs are owned or maintained on any premises by any guard or security service, in addition to the signs required by subsection A. above, the following information shall be posted: name of said service, address of said service,

telephone number at which a responsible party of said service can be reached, name and address of owner or person in control of said premises. Nothing herein shall be construed so as to prevent the sign required by this subsection to be a single sign, provided all of the information required by subsections A. and B. are contained therein.

C. All signs required by this section shall be posted on, over, or next to all exterior doors, and at least one such sign shall be posted at each driveway or entrance to said premises.

D. All signs required by this section shall contain lettering clearly visible from the lesser distance of the curb line or fifty (50) feet.

| **[NEW] § 33-4633. Annual canvass of dogs; report**

The Chief of Police of the Township of Monroe and/or Animal Control Officer shall each year cause a canvass to be made of all dogs owned, kept or harbored within the limits of the township on or before September 1 of the year in which the canvass is taken and shall cause a report of the result thereof to be filed with the Clerk of the township, to the local board of health, and the State Department of Health.

| **[NEW] § 33-4734. Exemptions for dogs used for law enforcement purposes**

The provisions of this chapter shall not apply to dogs used for law enforcement activities.

| **[NEW] § 33-4835. Use of license fee funds**

License fees and other monies collected or received under the provisions of this chapter shall be forwarded to the Municipal Finance Officer of the Township of Monroe and shall be placed in a special account separate from any of the other accounts of the Township of Monroe and shall be used for the following purposes only: collecting, keeping and disposing of animals liable to seizure, local prevention and control of rabies, providing anti-rabies treatment under the direction of the Board of Health for any person known or suspected to have been exposed to rabies, or administering the provisions of this chapter. Any unexpended balance remaining in such special account shall be retained 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 said 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 the special account during the last two (2) fiscal years next preceding.

| **[NEW] § 33-4936. Penalty for violation**

Unless specifically stated within a subsection of this Chapter, any violation of any of the provisions of this chapter shall, upon conviction, be punishable by a fine not to exceed ~~fifty dollars (\$50.)~~ **less than one-hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00)** or by imprisonment for a term not to exceed ten (10) days or by both fine and imprisonment, and each day that the violation continues shall be deemed to constitute a separate offense, provided that the maximum penalty for violation of any of the provisions of this Article shall not exceed one thousand dollars (\$1,000.), imprisonment for a period of ninety (90) days, or both.

**SECTION 2.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the Courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 3.** All Ordinances or parts of Ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4.** This Ordinance shall take effect immediately upon adoption and publication according to law.



**NOTICE**

Notice is hereby given that the foregoing Ordinance has been introduced and passed on first reading at a meeting of the Monroe Township Council held on October 5, 2015. Said Ordinance will again be read and considered for final passage at a meeting of the Monroe Township Council to be held on November 4, 2015 at 7:00 p.m. in the Municipal Complex, 1 Municipal Plaza, Monroe Township, New Jersey. At said time and place all persons having an interest the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to its final consideration for final passage by the Township Council.

\_\_\_\_\_  
SHARON DOERFLER, Township Clerk

**MAYORAL APPROVAL**

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Monroe Township Code, my approval of this Ordinance is effected by the affixing of my signature hereto.

\_\_\_\_\_  
RICHARD PUCCI, Mayor

Date Signed \_\_\_\_\_