

Chapter 166

ANIMALS

ARTICLE I

Dogs

- § 166-1. Howling or barking dogs; leash law; property damage; restraint of dogs; violations and penalties.
- § 166-2. License fee; surcharge fees; late fee; violations and penalties.
- § 166-3. Licensing of kennels, pounds, shelters and pet shops; fees; violations and penalties.
- § 166-4. Defecation on public or private property; violations and penalties.

§ 166-5. Approval for kennel license.

§ 166-6. Enforcement.

§ 166-7. Vicious and potentially dangerous dogs.

§ 166-8. Penalties for repeat offenders.

ARTICLE II

Registration and Vaccination of Cats

- § 166-9. Registration of cats; rabies vaccination.
- § 166-10. Identification tag to prove rabies vaccination required.
- § 166-11. Enforcement.
- § 166-12. Violations and penalties.

[HISTORY: Adopted by the Township Council of the Township of Lower as indicated in article histories. Amendments noted where applicable.]

ARTICLE I

Dogs

[Adopted 12-10-1975 as Ch. V of the 1975 Code]

§ 166-1. Howling or barking dogs; leash law; property damage; restraint of dogs; violations and penalties. [Amended by Ord. No. 91-17; Ord. No. 91-30; 7-21-2003 by Ord. No. 2003-7; 4-19-2004 by Ord. No. 2004-9]

- A. No person shall keep, harbor or maintain any dog which habitually cries, barks, howls, or otherwise disturbs the peace.
- B. No person owning, possessing or harboring any dog shall suffer or permit it to be in the public highways or any place in the Township other than on the premises of the possessor, unless such dog is accompanied by a person over the age of 12 years and is securely confined and controlled by an adequate leash not more than six feet in length.
- C. No person owning, keeping, or harboring a dog shall permit it or suffer it to do any damage to any person or property or to create a public nuisance.
- D. Restraint of dogs.

- (1) Owners, caretakers, guardians or handlers of dogs will exercise diligence and reasonable care to prevent said dogs from leaving their premises regardless of whether their premises is owned, lease or rented. Restraint exists when the dog is:
 - (a) Enclosed and properly provided for pursuant to N.J.S.A. 4:22-17 within a house, building, properly maintained fence, pen or other enclosure.
 - (b) Pens or other enclosures for each dog must be four feet in height and square footage as follows. Veterinary facilities and licensed animal shelters shall be exempt from this subsection.
 - [1] One dog: 64 square feet.
 - [2] Two dogs: 96 square feet.
 - [3] Three dogs: 144 square feet.
 - [4] Four dogs: 196 square feet.
 - [5] Five or more dogs: an additional 24 square feet for each dog.
 - (c) The pens or other enclosures shall include a soundly constructed, safely positioned and properly maintained doghouse.
 - (d) Doghouses shall contain bedding such as straw or other absorbent material in a sufficient quantity to provide adequate insulation for the house. Bedding shall be maintained in a dry condition and renewed or changed as necessary.
 - (2) Owners, caretakers, guardians or handlers of dogs will exercise diligence and reasonable care to keep dogs under restraint. In circumstances in which the dogs are not located on premises owned, leased or rented by the caretakers, guardians or handlers, dogs must be handled in a humane manner pursuant to N.J.S.A. 4:22-17.
 - (3) Owners, caretakers, guardians or handlers of dogs may attempt to prevent said dogs from leaving the premises by installing an invisible fence. Owners, caretakers, guardians or handlers of dogs are responsible for the maintenance of the invisible fences and shall exercise diligence to keep the fence in proper working order.
- E. Chaining or tethering of dogs. Dogs must be able to move freely when chained or tethered and shall be confined for a period no greater than nine hours within a twenty-four-hour period. The size of the tether or chain must be a minimum of 15 linear feet and shall remain tangle free. Dogs must be equipped with properly fitted harness or buckle type collar. The tether or chain shall be constructed of lightweight cable. A doghouse shall be accessible to dogs that are chained or tethered.
- F. Prohibited activities and treatment.
- (1) No owner, caretaker, guardian or handler shall withhold proper shelter, protection from weather, veterinary care and immune care to any animal. No owner, caretaker, guardian or handler shall fail to provide his or her animal with sufficient

food and drinkable water on a daily basis. Food and water must be in animal food consumption or water consumption type container, feeder or waterer.

- (2) No animal shall be subjected to unnecessary suffering and cruelty such as subjecting the animal to prolonged fear, injury, pain or physical abuse. Interaction with humans and other animals shall not be unreasonably withheld. Any individual, currently licensed by the State Board of Veterinary Medical Examiners to practice veterinary medicine, who is acting within his or her scope of practice to deliver acceptable and medically sound veterinary care to an animal, shall be exempt from this subsection.
- G. Failure to comply with the provisions of Subsections A, B and/or C of this section shall be deemed a separate offense, and each violation shall subject the violator, upon conviction, to a fine of not less than \$100 nor more than \$1,000.

§ 166-2. License fee; surcharge fees; late fee; violations and penalties. [Amended by Ord. No. 91-17; 7-21-2003 by Ord. No. 2003-7]

- A. All dogs over the age of six months shall be required to be licensed, and a license for same shall be obtained and attached to the harness or collar of each dog prior to January 31 of each and every year. The fee for all dog licenses shall be \$4.20 per year. Said fee includes a state registration fee of \$1 and a state surcharge fee of \$0.20 for the Pilot Clinic Fund and a Township registration fee of \$3. There will be an additional state surcharge fee of \$3 for all dogs of the reproductive age that are nonspayed or nonneutered which shall go into the Animal Population Control Fund. The above surcharges do not apply to Seeing Eye and hearing ear dogs. Any household containing in excess of two dogs shall be required to pay the Township registration fee of \$3 on only the first two dogs licensed. For each dog in excess of two at the same household, the owner shall be required to pay only the state registration fee and surcharges. Dog licenses shall be obtained from the Township Clerk. In addition, a late fee of \$5 shall be added to the license fee after May 1 of each year, unless proof of new residency or a newly acquired dog is provided to the licensing official.
- B. Failure to comply with the provisions of this section shall subject the violator, upon conviction, to a fine of not less than \$100 nor more than \$1,000.

§ 166-3. Licensing of kennels, pounds, shelters and pet shops; fees; violations and penalties. [Amended by Ord. No. 91-17]

- A. Any person or entity keeping, feeding, harboring, or caring for dogs for a fee or a profit or who charges for the maintenance, sheltering or keeping of dogs shall be considered for the purposes of this article as operating a kennel. All persons or entities operating a kennel, shelter, pound, or pet shop shall make application at the Township Clerk's office for a license to operate said facility. All applicants must meet the local, county, and state requirements, after which Township Council must approve said license by resolution.
- B. The license fee for a kennel having accommodations for 10 dogs or less shall be \$10. The fee for a kennel license having accommodations for 11 or more dogs shall be \$25.

Shelters and pounds are exempt from the licensing fee, but shall meet all other requirements of this article.

- C. The penalty, upon conviction, for violations of this section shall be \$25 for the first offense, \$50 for the second offense and \$100 for each and every offense thereafter.

§ 166-4. Defecation on public or private property; violations and penalties. [Amended by Ord. No. 98-12]

- A. No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow a dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypass, park, beach or any place where people congregate or walk or upon public property whatsoever, or upon any private property without the permission of the owner of the property.