

Chapter 5

ANIMAL CONTROL

§ 5-1. LICENSING OF DOGS.

§ 5-1.1. License Required. [Ord. No. 292 § 1]

- a. No person shall keep or harbor any dog within the Borough without first obtaining a license, to be issued by the Clerk of the Borough upon application by the owner and payment of the prescribed fee. No person shall keep or harbor any dog in the Borough except in compliance with the provisions of this chapter.
- b. Dog of licensing age shall mean any dog which has obtained the age of seven months or which possesses a set of permanent teeth.

§ 5-1.2. Current License and Registration Tag Required. [Ord. No. 292 § 2]

Any person who shall own, keep or harbor a dog of licensing age shall in the month of January, or within 10 days of acquisition of the dog or its attaining licensing age; and annually in January thereafter, apply for and procure from the Clerk of the Borough, or other official designated by the Mayor and Council to license dogs in the Borough, a license and official metal registration tag for each dog owned, kept or harbored, and shall place upon the dog a collar or harness with the registration tag securely fastened thereto.

§ 5-1.3. Fees, Renewals, Expiration; Seeing Eye Dogs. [Ord. No. 671 § 1; Ord. No. 690 § 1; Ord. No. 96-1070 § 1; Ord. No. 05-1388 § 1; Ord. No. 07-1474 § 1]

The person applying for the license and registration tag shall pay the annual fee for such license as follows:

- a. For spayed and neutered dogs \$15 and the sum of \$1.20 for the registration tag of each dog.
- b. For non-spayed and non-neutered dogs of reproductive age \$18 and the sum of \$1.20 for the registration tag of each dog.
- c. For each renewal the fee for the license and registration tag shall be the same as for the original license and tag; and all licenses, registration tags and renewals shall expire annually on January 31. Any person who fails to obtain a renewal license by January 31 shall pay a penalty fee of \$10. The stated penalty amount shall be in addition to the annual license and registration tag fees set forth above. The penalty fees shall be retained by the Borough. In the case of a lost registration tag, the fee for a replacement tag shall be \$2.
- d. 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 dogs shall not be required to pay any fee.

§ 5-1.4. Removing and Attaching Tags. [Ord. No. 292 § 4]

No person, except an officer in 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.

§ 5-2. CONTROL OF DOGS. [Ord. No. 292 § 7-9; Ord. No. 97-1112 § 1; Ord. No. 99-1168 § 1]

- a. No person owning, keeping or harboring a dog shall permit the dog to be upon the public streets or in any other public place unless it is under the control of a responsible person and it is securely confined and controlled by an adequate leash not more than six feet long.
- b. No person owning, keeping or harboring a dog, shall permit the dog to be or become a public nuisance or create a condition hazardous to health.
- c. The Borough may from time to time maintain one or more dog runs subject to such rules as to residence of the dog owner, hours of use and other matters as the Governing Body may by resolution prescribe. A dog under the control of a responsible person may exercise off-leash within such run and in accordance with the rules.

§ 5-3. LICENSING OF KENNELS, PET SHOPS, SHELTERS AND POUNDS.

§ 5-3.1. Application for License. [Ord. No. 292 § 5]

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, or other official in the Borough, 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 Board of Health of the Borough showing compliance with local and State rules and regulations governing the location of and sanitation at such establishment.

§ 5-3.2. Information Required on License. [Ord. No. 292 § 5]

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 annually on June 30, and be subject to revocation by the Borough on recommendation of the State Department of Health or the Board of Health of the Borough for failure to comply with the rules and regulations of the State Department or local Board governing the same after the owner has been afforded a hearing by either the State or local Board.

Any person holding such license shall not be required to secure individual licenses for dogs owned by such license and kept at such establishment; such license shall not be transferable to another owner or different premises.

§ 5-3.3. License Fees for Kennels and Pet Shops. [Ord. No. 292 § 6]

The annual license fee for a kennel providing accommodations for 10 or less dogs shall be \$10 and for more than 10 dogs \$25. The annual license fee for a pet shop shall be \$10. No fee shall be charged for a shelter or pound.

§ 5-3.4. Leash Required Off Premises. [Ord. No. 292 § 7]

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.

§ 5-4. ENFORCEMENT.**§ 5-4.1. Enforcement Officers. [Ord. No. 292 § 10]**

The Mayor and Borough Council shall have power to appoint a Pound-Master or other designated authority whose duty it shall be to enforce the provisions of this chapter. The Mayor and Council shall also have power to enter into a contract with one or more persons, either individual or corporate, for the exercise of the duties of Dog Catcher, Dog Warden or Pound-Master and the enforcement of the provisions of this chapter. All police officers, regular and special of the Borough are hereby charged with the same power and authority as Dog Catcher and Dog Warden and with the enforcement of this chapter.

§ 5-5. IMPOUNDING.**§ 5-5.1. Cause for Impoundment. [Ord. No. 292 § 11]**

The Dog Catcher, Dog Warden or Pound-Master shall take into custody and impound or cause to be taken into 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 the dog which the official or his agent or agents have reason to believe is a stray dog.
- b. Any dog off the premises of the owner or the person keeping or harboring the 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 the dog.

§ 5-5.2. Notification of Owner. [Ord. No. 292 § 11]

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 if the owner or the person keeping or harboring the dog is known, the Dog Catcher, Dog Warden or Pound-Master, or any person authorized by him in that behalf, shall serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring the 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 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 addressed to that person at his usual or last known place of abode, or to the address given on the collar.

§ 5-5.3. Disposition of Unclaimed Dogs. [Ord. #292 § 11]

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 no notice has been given as above set forth and if the owner or person keeping or harboring the dog has not claimed the dog and paid all expenses incurred by reason of its detention, and if the dog is unlicensed at the time of the seizure and the owner or person keeping or harboring the dog has not produced a license and registration tag for the dog, the aforesaid Dog Catcher, Dog Warden or Pound-Master, or any person authorized by him in that behalf, may cause the dog to be destroyed in a manner causing as little pain as possible.

§ 5-5.4. Daily Fee for impounded dogs. [Ord. No. 292 § 12; Ord. No. 440 § 2; Ord. No. 588 § 2; Ord. No. 93-945 § 1; amended 6-28-2021 by Ord. No. 2021-1886]

The expenses incurred by reason of its detention, which shall be paid by the owner or person keeping or harboring a dog that has been impounded shall be in the amounts set forth in the contract between the Borough and the Animal Control Officer. No owner or person keeping or harboring said dog shall be permitted to claim an impounded dog unless a license and registration tag can be produced for said dog.

The fee mentioned above shall be paid to the Clerk of the Borough and shall be forwarded to the Treasurer of the Borough within 30 days after collection of receipt, and shall be placed in the same account with the license fees.

§ 5-5.5. Seizure of dog on premises. [Ord. No. 292 § 13]

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

§ 5-5.6. Disposal of impounded dogs. [Ord. No. 292 § 14]

No provision of this chapter shall be construed as giving any authority for disposal of impounded dogs for medical research.

§ 5-6. DOG CONTROL ACT ENFORCED. [Ord. No. 292 § 15]

The provisions of N.J.S.A. 4:19-15.1 et seq. known as the Dog Control Act shall be and are considered an integral part of this section when not expressly set forth and shall be strictly enforced in the Borough.

§ 5-7. PENALTIES FOR VIOLATIONS. [Ord. #292 § 17; amended 6-28-2021 by Ord. No. 2021-1886]

Any person who violates any provision of this chapter or fails or refuses to comply with the applicable subsection thereof, or the rules and regulations promulgated by the State Department of Health shall be liable, upon conviction, to the penalties stated in Chapter 1, § 1-5. The Court in its discretion may remit any fine in whole or in part in cases where

the defendant voluntarily causes the offending dog to be destroyed.

§ 5-8. PET WASTE.

§ 5-8.1. Purpose. [Ord. No. 2005-1375 § 7]

The purpose of this section is to establish requirements for the proper disposal of pet solid waste in Bernardsville Borough, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 5-8.2. Definitions. [Ord. No. 2005-1375 § 7]

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section 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.

IMMEDIATE — Shall mean that the pet solid waste is removed at once, without delay.

OWNER/KEEPERS — Shall mean 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 — Shall mean any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

PET — Shall mean a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE — Shall mean waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL — Shall mean placement 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.

§ 5-8.3. Requirements for Disposal. [Ord. No. 2005-1375 § 7]

All pet owners and keepers are required to immediately and properly dispose of their pets' solid waste deposited on any property, public or private, not owned or possessed by that person.

§ 5-8.4. Exemptions. [Ord. No. 2005-1375 § 7]

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section which such animal is being used for that purpose.

§ 5-8.5. Enforcement. [Ord. No. 2005-1375 § 7]

The provisions of this Article shall be enforced by the Code Enforcement Officer, the

Sanitarian and the Police Department of Bernardsville Borough.

§ 5-8.6. Violations and Penalty. [Ord. No. 2005-1375 § 7]

Any person who violates any provision of this section shall be liable, upon conviction, to the penalties stated in Chapter 1, Section 1-5.

§ 5-9. DOGS PROHIBITED IN CERTAIN PARKS DURING CERTAIN TIME PERIODS.

§ 5-9.1. Dogs Prohibited in Certain Parks During Certain Time Periods. [Ord. No. 2006-1427 § 1]

The owner, keeper, or any person having charge or custody and control of any dog, except a seeing eye dog, shall not allow that animal to enter upon any area of the Borough parks listed below during the period from April 1 to June 30, inclusive.

Park Name	Block	Lot(s)
Polo Grounds	35	2 and 6
Claremont Field	69	8,9,29
Rose Bowl	97	Portion of Lot 1 (to the west of the wastewater treatment plant)
Kiwanis Field	100	4 and 6
	115	7

§ 5-9.2. Signs. [Ord. No. 2006-1427 § 1]

All of the areas described in subsection 5-9.1 above shall be clearly posted as "No Dog" zones.

§ 5-9.3. Penalties. [Ord. No. 2006-1427 § 1]

Any person who violates this section shall, upon conviction, be subject to the penalties set forth in section 1-5 of this Code.

§ 5-10. DOGS AND OTHER PETS PROHIBITED ON CERTAIN BOROUGH PROPERTY.

§ 5-10.1. Dogs and Other Pets Prohibited at All Times on Certain Borough Athletic Fields. [Ord. No. 2018-1784]

No dogs or other domestic animals (with the exception of service animals), whether leashed or unleashed, attended or unattended, shall be permitted on the playing surface of the following athletic fields owned by the Borough of Bernardsville:

Kiwanis Baseball Fields (2) (Block 35, Lot 2)

Rosebowl Field (Block 97, Lot 1)

Claremont Field (Block 69, Lots 8, 9 and 29)

Polo Grounds Turf Field (Block 35, Lot 2)

This section does not apply to areas other than the playing surface of athletic fields, such as surrounding spectator areas, and/or playgrounds.

§ 5-10.2. Definitions. [Ord. No. 2018-1784]

For purpose of this section, "service animal" shall mean any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

§ 5-10.3. Signs. [Ord. No. 2018-1784]

All of the Borough athletic fields covered by this section shall be clearly posted as "No Pet" zones.

§ 5-10.4. Penalties. [Ord. No. 2018-1784]

Any person who violates this section shall, upon conviction, be subject to the penalties set forth in section 1-5 of this Code.

