

DOGS

Chapter 43

DOGS

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[HISTORY: Adopted by the Mayor and Common Council of the City of Gloucester City as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Board of Health — See Ch. 4, Administrative Code, Art. VIII.

ARTICLE I
Miscellaneous Provisions
[Adopted 7-7-1966]

§ 43-1. Annual dog census.

The Chief of Police shall cause an animal canvass to be made of all dogs owned, kept or harbored within the limits of the city and shall report on or before May 1 of each year, to the City Clerk, the City Board of Health 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 registration number of each such dogs, and the number of unlicensed dogs owned, kept or harbored by each person, together with a complete description of each of such unlicensed dogs.

§ 43-2. Running at large prohibited.

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, grounds or building or in other public places within the city, whether such dog be licensed or unlicensed.

§ 43-3. Confinement or destruction of dogs which have bitten persons or have been bitten by other animals.

The City Board of Health may serve notice upon the owner or person in charge of a dog which has attacked or bitten a person, to confine the animal at the expense of the owner or person in charge of it upon such person's premises or some other place designated in the notice for at least 10 days after the animal has attacked or bitten a person. Further, the City Board of Health shall serve a notice upon the owner or person in charge of a dog known or suspected to have been bitten by an animal known or suspected of being affected by rabies, requiring the owner or person in charge of the animal to destroy it or confine it for a period of not less than six months.

§ 43-4. Destruction of unmuzzled dogs running at large.

The City Mayor, with the consent of City Council, may, whenever the public safety may require such action, issue a proclamation authorizing the destroying of any dog found at large within the limits of this city without being properly muzzled with a wire muzzle securely fastened about the nose.

§ 43-5. Entry upon premises to seize dogs; exception.

The Dog Warden, Chief of Police or other person by their authority is authorized to go upon any premises to seize for impounding any dog or dogs which he may lawfully seize and impound, when he is in immediate pursuit of such dog or dogs, in accordance with laws of the State of New Jersey, except upon the premises of the owner of the dog if such owner is present and forbids the same.

§ 43-6. Interference with person in performance of duty.

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

§ 43-7. Barking dogs. [Amended 11-5-1998 by Ord. No. 22-1998]

No person shall keep, harbor or maintain any dog which habitually howls, barks or cries. "Habitual barking" shall mean the creation of a noise disturbance, that remains unabated, from a barking, yelping or howling dog. Habitual barking is hereby considered a nuisance.

§ 43-8. Control of dogs in public places.

- A. No person owning or having the control, custody or possession of a dog shall permit or suffer such dog to run at large or to go or be upon the public streets, sidewalks or other public places within the city unless said dog shall be on a leash not more than six feet in length and in the custody of some person or persons capable of controlling such dog.
- B. In addition to Subsection A above, no such person owning or having control, custody or possession of a dog over the age of two months shall, during June, July, August and September, permit it upon the public

highways or outside the premises of such owner unless the dog wears a muzzle securely fastened over its jaws in such a manner that it cannot bite.

§ 43-9. Prohibition of nuisances.

No person having the right and ability to prevent the same shall permit any dog to commit a nuisance on any public street or place or upon any area used in common by the public or any part thereof.

§ 43-10. Appointment of Dog Warden and establishment of pound authorized.

City Council may, by resolution, establish a dog pound for the confinement and destruction of dogs seized under this ordinance or otherwise. It may, in the alternative, name any other existing dog pound in this city or outside the same for this purpose. Further, it may appoint and provide for reasonably compensating a Dog Warden to care for such dog pound if established and also to seize dogs in accordance with the provisions of this ordinance, confine such animals and

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take any other steps authorized by the terms of this ordinance, including the destruction of such animals, where required or allowed, in the most painless manner possible.

§ 43-11. Vicious dogs.

Any dog which has attacked or bitten any human being, or which habitually attacks other domestic animals, is hereby defined to be a vicious dog. The Chief of Police shall investigate any complaints concerning a vicious dog, and if his investigation discloses evidence to substantiate such complaint, he shall forthwith notify the Dog Warden and the City Board of Health. The Dog Warden shall confine such animal, and if it is found that the action of such dog was unprovoked, such dog shall be summarily destroyed. In cases where the public safety requires, the Chief of Police shall have the authority to immediately destroy such vicious dog in the most painless manner available to him.

§ 43-12. Seizure and confinement of dogs other than vicious dogs.

- A. The Dog Warden shall take into custody and impound or cause to be taken and impounded and thereafter destroyed or disposed of, in accordance with statutes of the State of New Jersey, the following:
- (1) Any dog off the premises of the owner or of the person keeping or harboring said dog, which said Dog Warden or his agent has reason to believe is a stray dog; provided, however, that any dog handled on a leash shall not be considered a stray dog.
 - (2) 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.

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

- B. In 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 person keeping or harboring said dog is known, the Dog Warden 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 (7) days after 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 mail 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, or to the address set forth on the application for the license.
- C. When any dog so seized has been detained for seven (7) days after notice, when notice can be given as above set forth, or has been detained for seven (7) days after seizure, when the dog is not registered and licensed and the owner is unknown, 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 two dollars (\$2.) a day, and a fee of two dollars (\$2.) to the Dog Warden for expense of seizure, and further, if the dog be unlicensed at the time of the seizure and the owner or person keeping or harboring said dog does not immediately procure a license and registration tag for said dog, the Dog Warden may cause the dog to be destroyed in

a manner causing as little pain as possible, in accordance with the laws of the State of New Jersey.

§ 43-13. Registration and licensing of dogs.

- A. The term "dog of licensing age" shall mean any dog which has attained the age of seven months or which possesses a permanent set of teeth. Any other dog shall not be considered unlicensed or without license in this or any other provision of this ordinance.
- B. Any person who shall own, keep or harbor a dog of licensing age in the City of Gloucester shall annually apply for and procure from the City Clerk a license and official metal registration tag for each such dog so owned, kept or harbored and shall place upon each dog a collar or harness with the registration tag securely fastened thereto.
- C. The person procuring such license shall, at the same time, cause such dog to be registered in a book kept at the office of the City Clerk, entering the sex, breed, address of the premises where the dog is being boarded and the name and address of its owner. Whenever any change of address takes place thereafter, the City Clerk shall be notified.
- D. Current licenses and registration tags issued by any other municipality of this state shall be accepted by the City of Gloucester as evidence of compliance with Subsections B and C of this section.
- E. The person applying for the license and registration tag or for an annual renewal thereof shall pay to the City Clerk an annual license fee of \$12, per dog together with the sum of \$1 for the registration tag of each dog. Said licenses, registration tags and renewals thereof shall expire on the last day of January of each year. If a registration tag has been misplaced or lost, the City Clerk may issue a duplicate registration tag for that particular dog at a fee of \$1. Fees for senior citizens

(aged sixty-two (62) and up) will remain at \$7. The above stated fees are local fees only. State and/or other fees are additional. **[Amended 12-29-1966; 12-2-1982 by Ord. No. 19-1982; 2-6-1992 by Ord. No. 6-1992; 4-6-1995 by Ord. No. 7-1995; 1-2-1996 by Ord. No. 1-1996; 12-20-2007 by Ord. No. O25-2007]**

- F. Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs shall be licensed and registered as provided in this ordinance; provided, however, that the owner or keeper of such dog shall not be required to pay any fee therefor.
- G. License forms and uniform official registration tags designed by the State Department of Health shall be furnished by the City of Gloucester, shall be numbered serially and shall bear the year of issuance and the name of the City of Gloucester.
- H. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall register and make application for a license and registration tag for such dog within 10 days after such acquisition or age attainment.
- I. Dogs brought into city.
 - (1) Any person who shall bring or cause to be brought into the City of Gloucester any dog licensed in another state for the current year and bearing a registration tag and shall keep or permit the same to be kept within the city for a period of more than 90 days shall immediately apply for a license and registration tag for each such dog.
 - (2) Any person who shall bring or cause to be brought into the City of Gloucester any unlicensed dog and shall keep or permit the same to be kept within the city for a period of more than 10 days shall immediately apply for a license and registration tag for each such dog.

- J. 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.
- K. Persons who fail to obtain a license as required within the time period specified in this ordinance shall be subject to a delinquent fee of \$20. **[Added 2-6-1992 by Ord. No. 6-1992; amended 11-5-1998 by Ord. No. 25-1998; 12-20-2007 by Ord. No. O25-2007]**

§ 43-13.1. Limit of number of dogs and/or cats per residential unit. [Added 3-27-2008 by Ord. No. O06-2008]

No person shall own, keep, or harbor more than a total of three (3) dogs and/or cats of licensing age at any single-family or duplex-family residential unit. No person shall own, keep or harbor more than a total of two (2) cats and/or dogs at any multi-family residential unit.

§ 43-13.2. Abandonment. [Added 3-27-2008 by Ord. No. O06-2008]

It shall be a violation of this ordinance for any person to abandon any domestic animal and any violation of this section shall be subject to a fine of not less than \$500. per domestic animal.

§ 43-14. Violations and penalties. [Amended 12-5-1974; 1 3-3-1983 by Ord. No. 5-1983; 2-6-1992 by Ord. No. 6-1992; 10-21-2002 by Ord. No. 25-2002]

Except as otherwise provided in this ordinance, every person convicted of a violation of the provisions of this ordinance shall, upon conviction thereof, forfeit and pay a fine of not less than

¹ Editor's Note: See Ch. 1, § 1-6B(1).

\$100 and not more than \$1,000 for the first offense; for repeat offenses within a one-year period of the date of the first offense, there shall be an additional fine imposed which shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, which shall be calculated separately from the fine imposed for the violation of the ordinance. For each repeat offense, the additional fine shall double until it reaches the maximum of \$1,000.

§ 43-14.1. Guilty plea and fine. [Added 6-3-1999 by Ord. No. 10-1999]

Any person who violates any of the following subsections: § 43-2, Running at large prohibited, § 43-7, Barking dogs, § 43-8, Control of dogs in public places, § 43-9, Prohibition of nuisances; or § 43-13, Registration and licensing of dogs may plead guilty to the violation without appealing before the Municipal Judge and, upon such pleading, shall be required to pay a municipal penalty of \$30, in addition to the State of New Jersey A.T.S. Surcharge, for each offense, provided that the violation has been abated.

§ 43-15. Repealer.

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency only.

§ 43-16. When effective.

This ordinance shall take effect 20 days after final passage and publication as provided by law.

- J. 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.
- K. Persons who fail to obtain a license as required within the time period specified in this ordinance shall be subject to a delinquent fee of \$20. **[Added 2-6-1992 by Ord. No. 6-1992; amended 11-5-1998 by Ord. No. 25-1998; 12-20-2007 by Ord. No. O25-2007]**

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§ 43-16. When effective.

This ordinance shall take effect 20 days after final passage and publication as provided by law.

ARTICLE II
Sanitary Requirements
[Adopted 4-7-1983 by Ord. No. 6-1983]

§ 43-17. Restricted activities.

No person who owns, keeps, harbors, walks or has custody of a pet shall permit, cause, suffer or allow such pet to defecate upon, soil, defile or commit any nuisance of any kind on any public or private property without the express permission of the owner of such property.

§ 43-18. Removal of droppings.

In the event a pet shall soil, defile or defecate upon any public or private property, the owner, keeper, harbinger and/or person having custody of said pet shall immediately remove and sanitarly dispose of said pet's feces and droppings deposited by such pet, which removal shall be by a shovel, container, disposal bag or any other sanitary manner.

**§ 43-18.1. Possession of means for removal of droppings.
[Added 11-5-1998 by Ord. No. 22-1998]**

Any person owning, harboring, keeping, walking or in custody or charge of any pet shall have in his or her possession appropriate sanitary means, as described in § 43-18, to remove immediately any feces and droppings which may be deposited by such pet on or in the areas enumerated or described in § 43-17 above.

§ 43-18.2. Sanitary disposal. [Added 11-5-1998 by Ord. No. 22-1998]

Disposal in a suitable and sanitary manner shall include, but shall not be limited to, taking the removed feces and droppings home in a container, disposal bag or wrapper and placing the same in a trash can. In no event shall disposal in a suitable and sanitary manner include the placement of unwrapped feces or droppings in a trash can or the placement or disposal into a storm sewer or the burial of said feces or droppings on or in property or areas enumerated and described in § 43-17.

§ 43-18.3. Exception for Seeing Eye dog. [Added 11-5-1998 by Ord. No. 22-1998]

The prohibitions contained in Article II of Chapter 43 of the Gloucester City Code shall not apply to any blind person owning, possessing, harboring, keeping, walking, in custody or charge of or accompanied by a guide dog or Seeing Eye dog.

§ 43-19. Property maintenance.

A person who owns, keeps, harbors or has custody of a pet shall maintain such person's property in a sanitary manner so as to prevent any noxious odors, attraction of insects, attraction of vermin breeders and any other public health nuisance.

§ 43-20. Violations and penalties.

Any person or entity found guilty of violating this ordinance shall be subject to a fine of not less than \$25 or more than \$200. It shall be a defense to a conviction for violation of this ordinance if the person or entity in question has complied with § 43-18 of this ordinance.

§ 43-20.1. Guilty plea and fine. [Added 6-3-1999 by Ord. No. 10-1999].

Any person who violates any of the following subsections: § 43-17, Restricted activities, § 43-18.1, Possession of means for removal of droppings, § 43-18.2, Sanitary disposal; or § 43-19, Property maintenance may plead guilty to the violation without appearing before the Municipal Judge and upon such pleading, shall be required to pay a municipal penalty of \$30, in addition to the State of New Jersey A.T.S. Surcharge, for each offense, provided that the violation has been abated.

§ 43-21. Repealer.

Any ordinance inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.