

Chapter 219: DOGS AND OTHER ANIMALS

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

GENERAL REFERENCES

Violations and penalties — See Ch. 1, Art. II.
Department of Health — See Ch. 57.
Police Department — See Ch. 96.
Animal and poultry waste — See Ch. 163.
Garbage, rubbish and refuse — See Ch. 273.
Noise — See Ch. 322.
Slaughterhouses — See Ch. 400.

ARTICLE I Animal Control Editor's Note: This Article was retitled from Dog Control 11-10-1992 by Ord. No. 92-83. Said ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992. [Adopted 12-16-1952 as Ord. No. 46 (Ch. 52 of the 1968 Code)]

§ 219-1. Definitions.

In the interpretation of this article, the following words and phrases, unless the context shows another sense to be intended, shall be held to have the meanings hereinafter stated:

CONFINE — To quarantine an animal in accordance with the guidelines outlined in the Health Department policy and procedure statement and/or notice of quarantine letter. **[Added 12-26-1990 by Ord. No. 90-112]**

DOG — Any dog, bitch or spayed bitch.

DOG OF LICENSE AGE — Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

DOMESTIC ANIMALS — Any of various animals (including livestock) domesticated by man so as to live and breed in a tame condition. **[Added 10-22-1996 by Ord. No. 96-88]**

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

OWNER — When applied to the proprietorship of any dog, cat or other animal, includes every person having a right (or custody) in such an animal and every person who has such an animal in his or her keeping or who harbors or maintains an animal or knowingly permits such an animal to remain on or about any premises occupied by that person or who feeds such an animal on a regular basis. **[Amended 11-10-1992 by Ord. No. 92-83** Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

PERSON — An individual, firm, partnership, corporation or association of persons.

PET SHOP — Any room or group of rooms, cage or special pen not part of a kennel, wherein dogs for sale are kept or displayed.

POUND — Any establishment for the confinement of dogs seized either under the provisions of this article or otherwise.

SHELTER — An establishment where dogs are received, housed and distributed without charge.

§ 219-2. License and registration. **[Amended 1-11-1977 by Ord. No. 1065; 11-10-1992 by Ord. No. 92-83; Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992. 10-22-1996 by Ord. No. 96-88]**

No person shall keep or harbor any dog within the city without first filing an application with the Director of the Department of Licenses and Inspections, whereupon, after paying the fee hereinafter set forth to the Director, a license and registration tag shall be issued by the Director of the Department of Licenses and Inspections. No license or registration shall be issued for any dog until the owner produces a certificate of inoculation indicating that the dog in question is protected against rabies through December 31, or any other such date necessary to conform to the most recent policy statement from the State Health Department regarding such matters, of the licensing year for which the application is taken. No license shall be issued for any dog in the name of any person who has not reached the legal age of majority.

§ 219-3. Time of licensing; attachment of tag.

Any person who shall own, keep or harbor a dog of licensing age shall annually, in the month of January, apply for and procure, in the manner above set forth, a license and official metal tag for each dog so owned, kept or harbored and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto.

§ 219-4. License fees; renewals; expiration; exemption. [Amended 12-12-1978 by Ord. No. 1143; 12-26-1979 by Ord. No. 1193; 9-22-1981 by Ord. No. 1268; 8-9-1983 by Ord. No. 83-22; Editor's Note: This ordinance was vetoed by the Mayor 8-17-1983. The veto was overridden by the Council 8-23-1983 by adoption of Res. No. 83-297. 8-28-1990 by Ord. No. 90-79; 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

A. The person applying for the license and registration tag shall pay a fee as provided herein, in accordance with N.J.S.A. 4:19-15.12, for the registration tag of each dog; and for each annual renewal, the fee for the license and the registration tag shall be the same as for the original license and tag. Such licenses, registration tags and renewals thereof shall expire on the last day of February of the year following the year in which the licenses, registration tags and renewals are issued. Any person applying for such license or renewal shall pay an annual fee for each dog as follows:

(1) Effective with calendar year 1993 and annually thereafter, between January 1 and February 28:

Type of Fee	Spayed and Neutered Dogs	Nonspayed and Nonneutered Dogs
Municipal fee	\$3.80	\$3.80
State registration fee	\$1.00	\$1.00
Pilot Clinic Fund, State of New Jersey	\$0.20	\$0.20
Animal Population Control Fund, State of New Jersey	\$0.00	\$3.00
Total	\$5.00	\$8.00

(2) Any person applying for such license or renewal on or after March 1 shall pay an annual fee for each dog as follows:

Type of Fee	Spayed and Neutered Dogs	Nonspayed and Nonneutered Dogs
Municipal fee	\$3.80	\$3.80
Late fee	\$6.00	\$6.00
State registration fee	\$1.00	\$1.00
Pilot Clinic Fund, State of New Jersey	\$0.20	\$0.20

Animal Population Control Fund, State of New Jersey	\$0.00	\$3.00
Total	\$11.00	\$14.00

- B. The following dogs shall be exempt from late fees:
- (1) Dogs just reaching licensing age as verified by a veterinarian.
 - (2) Newly acquired dogs as verified by a receipt from a licensed pet shop/kennel or an SPCA/shelter adoption agreement.
- C. The following dogs shall be licensed and registered as other dogs hereinafter provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor: **[Amended 10-10-2000 by Ord. No. 2000-78]**
- (1) Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs.
 - (2) Dogs used for law enforcement activities by agencies of the City of Vineland government and the County of Cumberland government.
 - (3) Dogs retired from law enforcement activities by agencies of the City of Vineland government and the County of Cumberland government.
- D. Out-of-state residents relocating to the City of Vineland shall not be required to pay late fees, provided that they have a valid license issued from their prior out-of-state community.

§ 219-5. License for newly acquired dog.

The owner of any newly acquired dog of licensing age or of any dog which attains licensing age shall make application for a license and registration tag for such dog within 10 days after such acquisition or age attainment.

§ 219-6. Application requirements. [Amended 1-11-1977 by Ord. No. 1065]

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

§ 219-7. Dogs brought into city.

- A. Any person who shall bring or cause to be brought into the city any dog licensed in another state for the current year and carrying a registration tag and who shall keep the same 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, unless such dog is licensed under § 219-10 of this article.
- B. Any person who shall bring or cause to be brought into the city any unlicensed dog and who shall keep the same 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, unless such dog is licensed under § 219-10 of this article.
- C. Any license/registration tag issued by any municipality in New Jersey shall be accepted by the City of Vineland until said license/registration is expired. **[Added 11-10-1992 by Ord. No. 92-83** Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

§ 219-8. Unlawful attachment and removal of tags.

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.

§ 219-9. Licenses for kennels, pet shops, shelters and pounds. [Amended 1-11-1977 by Ord. No. 1065; 11-10-1992 by Ord. No. 92-83; Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992. 10-22-1996 by Ord. No. 96-88]

- A. Any person who keeps or operates or proposes to establish in the city a kennel, pet shop, shelter or pound shall apply to the Director of Licenses and Inspections for a license entitling him to keep or operate such an establishment.
- B. No more than five dogs and/or five cats over the age of seven months shall be permitted to be kept on any one property less than two acres unless the facilities provided meet the applicable requirements of N.J.A.C. 8:23A-1.2 et seq. (Rules Governing Animal Facility Operations) as determined by the local Health Department.

§ 219-10. Application for establishment license; approval of Health Officer.

The applicant shall describe the premises where the establishment is located or is proposed to be located and the purpose for which it is to be maintained. Such application shall be accompanied by the written approval of the Health Officer of the city, showing compliance with the local and state rules and regulations governing location and sanitation of such establishment.

§ 219-11. Expiration and revocation of establishment license; transferal. [Amended 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

- A. All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of June of each year and be subject to revocation by the Council of the City of Vineland, on recommendation of the State Department of Health or the Department of Health of the City of Vineland, for failure to comply with the rules and regulations of the State Department of Health or the Department of Health of the city governing the same, after the owner has been afforded a hearing by either the State Department of Health or the Department of Health of the city.
- B. Any person holding such license shall not be required to secure individual licenses for dogs or cats owned by such licensee and kept at such establishment. Such licenses shall not be transferable to another owner or different premises.

§ 219-12. Annual establishment license fees.

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

§ 219-13. List of licensed establishments to Department of Health. [Amended 1-11-1977 by Ord. No. 1065]

The Director of the Department of Licenses and Inspections shall forward to the State Department of Health a list of all kennels, pet shops, shelters and pounds licensed, within 30 days after the licenses

therefor are issued, which list shall include the name and address of each licensee and the kind of license issued.

§ 219-14. Control of dogs by establishments.

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

§ 219-15. Disposition of fees collected.

- A. License fees and other moneys collected under the provisions of this article, except registration tag fees, shall be forwarded to the City Treasurer within 30 days after collection on receipt and shall be placed in a special account separate from any other accounts of the city, to be used for the following purposes only: for collecting, keeping and disposing of dogs liable to seizure under this article; for local prevention and control of rabies; for providing antirabic treatment under the direction of the City Department of Health for any person known or suspected to have been exposed to rabies; for the payment of damage to or losses of poultry and domestic animals, except dogs and cats, caused by a dog or dogs; for administering the provisions of this article; and for all other purposes prescribed by the statutes of New Jersey governing the subject; except, however, that when any Humane Society has been contracted with by the City Council, as herein provided, such sums which the city has, by said agreement, contracted to pay shall be paid from said special account, and said payment shall be deemed as costs for collecting, keeping and disposing of dogs liable to seizure under this article. Any unexpended balance remaining in such special account shall be retained therein until the end of the third fiscal year following and may be used for any of the purposes set forth in this section. At the end of said third fiscal year following and at the end of each fiscal year thereafter, there shall be transferred from such special account to the general funds of the city any amount then in such account which is in excess of the total amount paid into said special account during the last two fiscal years next preceding.
- B. The registration tag fee of \$1 for each dog, the Pilot Clinic Fund fee of \$0.20 for each dog and the Animal Population Control Fund fee for each unspayed/unneutered dog shall be forwarded within 30 days after collection by the Director of the Department of Licenses and Inspections to the State Department of Health. **[Amended 1-11-1977 by Ord. No. 1065; 11-10-1992 Ord. No. 92-83** Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

§ 219-16. Canvass by Chief of Police. [Amended 1-11-1977 by Ord. No. 1065; 11-10-1992 by Ord. No. 92-83; Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992. 10-22-1996 by Ord. No. 96-88]

The Chief of Police shall cause a canvass to be made of all dogs and cats owned, kept or harbored within the city limits not less than once every two years. This canvass shall begin promptly after the last day of February and end on or before September 1 in the year of the canvass. The Chief of Police shall immediately, upon completion of the canvass, cause a report to be filed with the Director of the Department of Licenses and Inspections and the Director of the Department of Health containing the results of said canvass. The report shall set forth in separate columns the names and addresses of persons owning, keeping or harboring unlicensed dogs or cats owned, kept or harbored by each person, together with a complete description of each such unlicensed dog or cat. The same information, for dogs only, must be reported to the State Department of Health.

§ 219-17. Poundkeeper; seizure of animals. [Amended 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

The City Council may, from time to time, by resolution, establish a pound, and the Mayor may, from time to time, as the occasion may require, nominate and, by and with the consent of the City Council, appoint

a Poundkeeper or Dog Warden who shall hold office at the pleasure of the City Council, or the City Council may, by resolution, enter into a contract with any Humane Society in the city or county or other similar association not organized for pecuniary profit, as Poundkeeper, for the collection, keeping and retention and destruction of all strays found within the city limits, in accordance with the provisions of this article. Such Poundkeeper, Dog Warden or duly authorized agent of such Humane Society so contracted with or any police officer may seize and 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 animal off the premises of the owner or of the person keeping or harboring such animal, which said official or his agent or agents have reason to believe is a stray animal.
- B. Any animal off the premises of the owner or of the person keeping or harboring said animal without a current registration tag on his collar, if registration is required by ordinance.
- C. Any female dog in season off the premises of the owner or of the person keeping or harboring such dog.
- D. Any dog or other animal suspected to be rabid.
- E. Any dog or other animal off the premises of the owner 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.

§ 219-18. Notice to owner of impounded animals. [Amended 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

- A. If any animal seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag or the owner or the person keeping or harboring such animal is known, the person who by this article is authorized to seize any such animal shall forthwith serve on the person whose address is given on the collar or on the owner of the person keeping or harboring such animal, 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 service of the notice.
- B. A notice under this section may be served either by delivering it to the person upon whom it is to be served or by leaving it at the person's usual or last known place of abode or at the address given on the collar or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of abode or to the address given on the collar. When any animal so seized has been detained for seven days after notice when notice can be given as above set forth or has been detained for seven days after seizure when notice has not and cannot be given as above set forth and if the owner or person keeping or harboring such animal has not claimed such animal and paid all expenses incurred by reason of its detention, including maintenance not exceeding \$4 per day, and if the animal seized is unlicensed at the time of seizure and the owner or person keeping or harboring such animal has not produced a license and registration tag for his animal, if required by ordinance, said Poundkeeper or agent of said Humane Society or any person authorized under this article to do so may cause the animal to be destroyed in a manner causing as little pain as possible. Any impounded animal which is affected with an incurable or contagious disease may be destroyed at once.

§ 219-19. Running at large. [Amended 9-28-1982 by Ord. No. 1304; 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

No person owning, keeping or harboring any dog or other domestic animal shall suffer or permit it to run at large upon the public streets or in any public park or in any public building or any other public place or upon any other private premises outside the premises occupied by the owner or keeper of said dog or other domestic animal.

§ 219-20. Proclamation to destroy dogs running at large.

It shall be lawful for the Mayor, with the consent of the City Council, to issue his proclamation authorizing the indiscriminate destruction of all dogs found running at large in the city, except such as shall be properly muzzled with a wire muzzle about the nose, securely fastened. Such proclamation shall be published at least two times in a newspaper in which legal notices of the city may be published; and after such publication, no person owning, keeping or harboring a dog shall permit it upon the public streets, in public places or outside the premises occupied by the owner during the period designated; and after such publication, it shall be justification to all persons who may destroy any such dog found running at large as aforesaid during the time the proclamation shall remain in force and until revoked by the Mayor with consent of the City Council.

§ 219-21. Right of entry to seize animals. [Amended 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

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

§ 219-22. Interference with officers.

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

§ 219-23. Noise.

No person shall keep, harbor or maintain any dog which habitually barks, howls or cries.

§ 219-24. Control of dogs in public places; exception.

- A. No person owning, keeping or harboring any dog shall suffer or permit it to be upon the public streets or in any of the public places of the city, unless such dog is accompanied by a responsible person and is securely confined and controlled by an adequate leash not more than six feet long.
- B. Nothing in this section or in this article shall be construed to prohibit or prevent the running of any dog while used in hunting or in training, trial or practice runs, provided that such dog is accompanied by or under the control of the owner or other responsible person, and provided further that such hunting, training, trial or practice runs are conducted in such a manner as not to abridge the rights of owners of private property nor to conflict with the fish and game laws of the State of New Jersey or any other law, rule or regulation promulgated by the State of New Jersey or its duly authorized agents which has as its purpose the protection, preservation or control of game or wildlife within the State of New Jersey.

§ 219-25. (Reserved) Editor's Note: Former § 219-25, Muzzling of dogs during certain months, was repealed 12-26-1990 by Ord. No. 90-112.

§ 219-26. Nuisances. [Amended 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

No person having the right and ability to prevent it shall knowingly or carelessly or negligently permit any dog or other animal to commit any nuisance upon any sidewalk or on any public place, street, avenue, park, public square or place in the city or upon the floor of any tenement house which is used in common

by the tenants thereof or upon the fences or lawns of any premises or upon the walls or stairways of any building abutting a public street, avenue, park or public place or upon the floor of any theater, store, factory or of any building which is used in common by the public, including all public rooms or places therewith connected, or upon the floor of any public place or building used in common by the guests and patrons thereof, nor shall any such person omit to do any reasonable and proper act or to take any reasonable and proper precaution to prevent any such dog from committing any such nuisance in, on or upon any of the places or premises herein specified. If such a nuisance is immediately removed or cleaned up, a violation shall not be deemed to have occurred.

§ 219-27. (Reserved) Editor's Note: Former § 219-27, Vicious dogs, as amended 8-28-1990 by Ord. No. 90-79, was repealed 12-26-1990 by Ord. No. 90-112.

§ 219-27.1. Report of suspected case of rabies. [Added 12-26-1990 by Ord. No. 90-112; amended 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

Whenever a dog, cat or other animal is affected by rabies or is suspected of being affected by rabies or has been bitten or scratched by an animal known or suspected to be affected by rabies, the owner or person in charge of the animal or any person having knowledge thereof shall immediately notify the Vineland Department of Health. The notification shall be in writing, signed by the person making the complaint, and shall state where the animal may be found.

§ 219-27.2. Physicians' reports. [Added 12-26-1990 by Ord. No. 90-112; amended 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

Every physician shall, within 12 hours after his first professional attendance upon any person bitten or scratched by a dog, cat or other animal, report to the Police Department or the Health Department the name, age and sex and the precise location of the person bitten or scratched and the name, age, sex, color and location of the biting animal, if known.

§ 219-27.3. Parent's or guardian's report of bitten or scratched child. [Added 12-26-1990 by Ord. No. 90-112; amended 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

The parent or guardian of a child bitten or scratched by a dog, cat or other animal, when no physician attends such child, shall, within 12 hours after first having knowledge that the child was so bitten or scratched, report to the Police Department or Health Department the name, age and sex and the precise location of the child, as well as the name, age, sex, color and location of the biting animal, if known.

§ 219-27.4. Report of bitten or scratched adult. [Added 12-26-1990 by Ord. No. 90-112; amended 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

- A. If an adult is bitten or scratched by a dog, cat or other animal and no physician attends him, the adult or, if he is incapacitated, the person caring for him shall report to the Police Department or the Health Department the name, age and sex and the precise location of the adult, as well as the name, age, sex, color and location of the biting animal, if known.
- B. The report shall be made within 12 hours after the adult was so bitten or scratched or, if he is incapacitated, the report shall be made within 12 hours after the person so caring for him shall first have knowledge that the adult was so bitten or scratched.

§ 219-27.5. Confining animal which has bitten or scratched person. [Added 12-26-1990 by Ord. No. 90-112; amended 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

The Health Department and/or Police Department may serve notice upon the owner or person in charge of a dog, cat or other animal which has attacked, bitten or scratched a person to confine the animal, at the expense of the owner or person in charge of it, upon the premises of the owner or person in charge or at some other place designated in the notice for at least 10 days after the animal has attacked, bitten or scratched a person.

§ 219-27.6. Confining or killing animal bitten by another. [Added 12-26-1990 by Ord. No. 96-112; amended 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

The Local Health Department, within its jurisdiction, shall serve a notice, in writing, upon the owner or person in charge of a dog, cat or other animal 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 kill it or confine it for a period of not more than six months. Whenever the Health Department determines that the animal owner may not be responsible enough or lacks adequate facilities to properly quarantine/confine the animal, the Department may impound the animal at an approved facility at the owner's expense.

§ 219-27.7. Confining animals to prevent spread of rabies. [Added 12-26-1990 by Ord. No. 90-112]

Whenever the Health Department or any officer or inspector thereof has reason to believe or has been notified by the State Department that there is danger that rabies may spread within the jurisdiction, the Department or the Department officer or inspector shall reserve a notice, in writing, upon all persons within the jurisdiction of the Health Department, so far as the same may be known to the Health Department or to such officer or inspector thereof, owning or having charge of any dog, requiring such person to confine such dog; or the Health Department, officer or inspector, in lieu of serving such notice in writing, may cause a notice to be published in the official newspaper of the city. Other animals may be included in the order whenever, in the opinion of the Health Department, this is necessary. Whenever the Health Department determines that the animal owner may not be responsible enough or lacks adequate facilities to properly quarantine the animal, the Department may impound the animal and have it quarantined at an approved facility at the owner's expense.

§ 219-27.8. Permit to release animals. [Added 12-26-1990 by Ord. No. 90-112]

An animal confined under order of the Local Health Department shall not be released until a certificate of release has been issued by the Department.

§ 219-27.9. Examination of animals by Health Department. [Added 12-26-1990 by Ord. No. 90-112; amended 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

The Local Health Department, within its jurisdiction, shall be permitted by the owner or person in charge of a dog, cat or other animal which has been ordered confined/quarantined to examine the animal at any time and daily, if desired, within the specified confinement period to determine whether the animal shows symptoms of rabies. No person shall refuse, obstruct or interfere with the Local Health Department in making the examination.

§ 219-27.10. Abnormal behavior or health of quarantined/confined animal. [Added 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992. This ordinance also provided for the renumbering of former § 219-27.10, Rabies testing; expenses, as § 219-27.11.

Should the animal's health or behavior be abnormal during any part of the quarantine period, the Health Department may order the owner or person in charge of the animal to have a licensed veterinarian establish a diagnosis of the abnormality at the expense of the owner or person in charge.

§ 219-27.11. Rabies testing; expenses. [Added 12-26-1990 by Ord. No. 90-112]

Whenever the Local or State Health Department determines that rabies testing is necessary, the owner of the animal involved shall be responsible for all expenses related to specimen preparation and transportation. Specimen preparation shall be done only by a licensed veterinarian or by any other person deemed by the Health Department to have the necessary qualifications.

§ 219-27.12. Rabies inoculation. [Added 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

Except as otherwise provided in § 219-27.14 hereof, no person shall own, harbor or keep any dog or cat within the municipal limits of City of Vineland that is not currently inoculated against rabies with rabies vaccine of a type approved and administered in accordance with recommendations of the United States Department of Agriculture and the United States Department of Health, Education and Welfare. Such vaccination shall be administered by a veterinarian duly licensed by the State of New Jersey or by such other veterinarian permitted by law to do the same.

§ 219-27.13. Certificate of inoculation. [Added 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

Any person who owns, keeps or harbors a dog or cat within the municipal limits of the City of Vineland shall obtain and keep in his possession a certificate, issued by the veterinarian administering the inoculation, indicating that said dog or cat has been inoculated against rabies and indicating the date of such inoculation. Said certificate shall be exhibited to the dog licensing official when application for a dog license is made and shall also be exhibited upon the request of any Health Department employee or upon the request of any member of the City of Vineland Police Department.

§ 219-27.14. Exception. [Added 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

The following are exempt from the provisions of § 219-27.12:

- A. Dogs or cats which have not attained the age of seven months.
- B. Any dog or cat which the Health Department declares exempt for a specified period of time based upon the presentation of a satisfactory certificate from a licensed veterinarian stating that, because of an infirmity or other physical condition, the inoculation of said animal shall be deemed inadvisable for a specified period of time.
- C. Dogs or cats seven months of age or older within 10 days of the date of acquisition of said dog or cat.

§ 219-27.15. Booster inoculations. [Added 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

- A. On occasions when a domestic animal may have been potentially exposed to a possible rabid animal, the Health Department may order a booster inoculation against rabies based on guidelines provided by the State of New Jersey Department of Health. This booster inoculation shall be of the type vaccine set forth in § 219-27.12 and shall be administered accordingly by a veterinarian duly licensed in the State of New Jersey or by such other veterinarian permitted by law to do the same.

- B. Any person who owns, keeps or harbors any dog or cat within the municipal limits of the City of Vineland who is directed by the Vineland Health Department to obtain an additional booster inoculation against rabies for said dog or cat must do so within five days of receiving notification of the same.

§ 219-28. Violations and penalties. [Amended 5-13-1986 by Ord. No. 86-26; 12-26-1990 by Ord. No. 90-112; 11-10-1992 by Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

- A. Any person who violates or refuses to comply with any part of any of the following sections, namely §§ 219-3, 219-8, 219-10, 219-11, 219-22, 219-27.13 and 219-27.14 of this article, or with the rules and regulations promulgated by the State Department of Health governing the sanitary conduct and operation of kennels, pet shops, shelters and pounds to preserve sanitation therein and to prevent the spread of rabies and other diseases of dogs within and from such establishments shall be liable to a penalty of not less than \$15 nor more than \$500 for each offense, to be recovered by and in the name of the city. Any person who refuses or neglects to pay forthwith the amount of a judgment rendered against him and the costs and charges incident thereto shall be committed by the court to the county jail for a period not exceeding 10 days in the case of a first conviction, and in the case of a conviction for a second, subsequent or continuing violation, for a period not exceeding 30 days.
- B. Any person who violates or refuses to comply with any part of the following sections, namely §§ 219-2, 219-5, 219-7, 219-9, 219-14, 219-19, 219-23, 219-24, 219-26, 219-27.1, 219-27.2, 219-27.3, 219-27.4, 219-27.5, 219-27.6, 219-27.7, 219-27.8, 219-27.9, 219-27.10, 219-27.11, 219-27.12 and 219-27.15 of this article, shall be subject to a fine of not less than \$25 and not more than \$500 or imprisonment for a period not exceeding 90 days, or to both, in the discretion of the court.

ARTICLE II Piggeries [Adopted by the City of Vineland Board of Health Editor's Note: The Local Board of Health authorized by Ord. No. 7 was abolished 7-27-1954 by Ord. No. 133. However, prior legislation adopted by the Board of Health continues in full force and effect until repealed, rescinded or amended by the City Council. See Ch. 57, Health, Department of. 1-20-1953 as Ord. No. 7 (Ch. 121 of the 1968 Code); amended in its entirety 10-8-1996 by Ord. No. 96-79]

§ 219-29. When license required; compliance.

The keeping or raising of three or more pigs shall require a license. The keeping of two pigs or one pig shall be permitted, but in such case the premises shall be subject to all state and local health and sanitation laws and ordinances.

§ 219-30. Timely disposal of litters.

In case a litter of pigs is born on premises not requiring a license, the young pigs shall be disposed of within three months after the date of birth.

§ 219-31. Approval of application; plan and data required.

- A. No license for the breeding, raising or keeping of more than two pigs in the City of Vineland, in the County of Cumberland, shall be granted or issued unless the application shall be approved by the Director of the Department of Health or designee of the City of Vineland as to location, suitability and fitness for such use. Further, approval is subject to and contingent upon compliance with all state, county and local laws and ordinances.
- B. The application for such license shall be accompanied by a plan giving the complete details of the premises intended to be used for the breeding, raising and keeping of pigs, as well as a plan of the

pens or structures intended to be erected and used in connection with the breeding, raising and keeping of said pigs, and accompanied by the license fee hereinafter designated, together with a description of all buildings and dwellings within a radius of 2,000 feet from the premises proposed to be used for the breeding, raising and keeping of pigs, and also giving the full names and addresses of the owners of said buildings or dwellings, as well as the distance which said pen will be located from the nearest public road or street, dwelling house and boundary line of adjoining properties.

§ 219-32. Notice to neighbors; hearing; grounds for denial of license.

Upon receipt of such application and plans, said Director of the Department of Health or designee shall fix a time for the consideration of the issuance of a license therefor, which time shall not be less than 10 days nor more than 30 days after the receipt of such application. Notice shall be sent to the owners and occupants of all buildings and dwellings within a radius of 2,000 feet of the premises sought to be used for the breeding, raising and keeping of pigs, informing them of the receipt of the application and of the time set for the hearing of objections, if any, to the granting of the license. The granting of the license will not be approved by said Director of the Department of Health or designee whenever it appears that the granting of the same is or may be hazardous and detrimental to human health.

§ 219-33. Time limit for action on application.

The application, plans and specifications shall be approved or rejected within a period of 30 days from the date of filing, and, when approved, the Director of the Department of Health or designee shall issue the necessary license therefor.

§ 219-34. Nontransferability of license.

Such license is not transferable to any person, persons, firms or corporations and is not transferable to any other premises than those described on the license.

§ 219-35. Fee schedule.

The nonrefundable fees to be paid for said licenses herein shall be as follows:

- A. For each original application: \$500. This fee shall include the initial license and shall cover the cost of review of the application for compliance with federal and state codes, city zoning and planning ordinances, site visits, notices to neighbors, verification of code measurements, site plan requirements, public notices, public hearings and other related municipal expenses, including but not limited to legal and administrative costs.
- B. For each renewal: \$150. The license must be renewed before the expiring anniversary date of the initial license.

§ 219-36. Piggery location.

Any premises sought to be licensed to be used for the breeding, raising and keeping of pigs shall be so situate that the outer boundary of such piggery shall be not fewer than 500 feet from the nearest side line of any public road or street and not fewer than 650 feet from the nearest wall of any dwelling occupied by a person or persons other than the licensee or any hotel, boardinghouse, lodging house, restaurant or any other similar establishment and not fewer than 100 feet from the boundary line of the nearest adjoining property line owned or occupied by another person or persons other than the licensee.

§ 219-37. Swine management.

It is incumbent upon the licensee to secure from Rutgers Cooperative Extension Service the most recent guidelines on swine management, including recommendations on housing, fencing, feeding equipment, feed, pasture, management, breeding, marking of pigs, health and sanitation. A copy of the guidelines in effect at the time of adoption of this article is on file with the City Clerk and with the Director of the Department of Health.

§ 219-38. Swine disease control; compliance with other standards.

- A. The following rules and regulations of the State of New Jersey with respect to swine disease control are hereby adopted by the City of Vineland in their entirety by reference hereto:
- (1) N.J.A.C. 2:2-4.3. Minimum floor space.
 - (2) N.J.A.C. 2:2-4.4. Drainage of buildings.
 - (3) N.J.A.C. 2:2-4.6. Water supply.
 - (4) N.J.A.C. 2:2-4.15. Garbage spillage.
 - (5) N.J.A.C. 2:2-4.17. Trash on premises; storage; removal.
 - (6) N.J.A.C. 2:2-4.18. Feeding platforms.
 - (7) N.J.A.C. 2:2-4.19. Solid waste disposal.
 - (8) N.J.A.C. 2:2-4.20. Liquid wastes.
 - (9) N.J.A.C. 2:2-4.21. Dead animal removal.
 - (10) N.J.A.C. 2:2-4.22. Rodent and insect control.
- B. A copy of the rules and regulations in effect at the time of adoption of this article is on file with the City Clerk and with the Director of the Department of Health.
- C. Any swine farmer utilizing garbage as a food source for hogs must comply with all New Jersey Administrative Code regulations administered by the State of New Jersey, Department of Agriculture, which require a separate license to be acquired from the state. All other sections of the New Jersey Administrative Code related to swine as livestock, hog cholera, and sale of swine are administered directly by the State of New Jersey, Department of Agriculture, and any licensed piggery in the City of Vineland is subject to direct jurisdiction of the State with regard to disease control.
- D. In addition to the New Jersey Administrative Code regulations regarding solid and liquid wastes adopted herein, the requirements of Ordinance No. 744 (Vineland Code Chapter 163, Animal and Poultry Waste) shall apply.

§ 219-39. Compliance of location with zoning and Planning Board regulations.

It is the intention of this article that any location specified herein shall also be subject, as to location, to the regulations of the Zoning Board and Planning Board of said city. *Editor's Note: See Ch. 300, Land Use.*

§ 219-40. Violations and penalties.

Any person or persons, firm or corporation who shall fail to comply with or shall violate any of the provisions of this article, in addition to the revocation of the license issued, shall be subject, upon conviction thereof, to forfeit and pay a penalty of not less than \$100 and not more than \$1,000, the amount thereof to be fixed by the City Judge of the City of Vineland or other Judge having jurisdiction in the case, to be recovered as provided for by statute; and in the event that said defendant (except corporations), after execution has been issued, shall fail, refuse or neglect to pay the amount of the judgment against him and all costs and charges incident thereto, said defendant may, in default of said payment, be committed by said Judge to the county jail for a period not exceeding 30 days.

§ 219-41. Revocation of license; notice and hearing.

- A. In addition to the imposition of the penalty or penalties herein prescribed, the Director of the Department of Health or designee may, at its discretion, revoke any license or permit issued hereunder for any violation of the provisions of this article or of the State Sanitary Code whenever, after written notice from the Director of the Department of Health, or designee, the owner or person in charge of such establishment fails or refuses to remedy the condition complained of.
- B. Before any license or permit heretofore issued shall be revoked, the Director of the Department of Health or designee shall fix a time and place of hearing, which notice shall be served upon the licensee at least five days before the date set for hearing. Such notice of hearing shall specify the charges to be preferred against said licensee and the purpose of the hearing. At such hearing, said licensee shall have an opportunity to be heard in his or its own defense. After such hearing, the Director of the Department of Health, or designee, shall render a decision with respect to such charges.

§ 219-42. More restrictive laws to control.

- A. In all allied matters that are regulated by the laws of the State of New Jersey, such laws shall control where the requirements are in excess of this article. This Article shall control in all cases where the state law requirements are less than herein contained.
- B. Furthermore, the rules and regulations of the United States Department of Agriculture, Subchapter K, Swine Health Protection, shall apply as required in their most current form.

§ 219-43. (Reserved)

§ 219-44. (Reserved)

§ 219-45. (Reserved)

§ 219-46. (Reserved)

§ 219-47. (Reserved)

§ 219-48. (Reserved)

§ 219-49. (Reserved)

§ 219-50. (Reserved)

ARTICLE III Disposal of Dead Animals [Adopted by the City of Vineland Board of Health Editor's Note: The Local Board of Health authorized by Ord. No. 7 was abolished 7-27-1954 by Ord. No. 133. However, prior legislation adopted by the Board of Health continues in full force and effect until repealed, rescinded or amended by the City Council. See Ch. 57, Health, Department of. **4-21-54 as Ord. No. 18 (Art. III of Ch. 41 of the 1968 Code)]**

§ 219-51. Restrictions.

It shall be unlawful for any person to deposit, place, throw or dump or permit or abet the depositing, placing, throwing or dumping of any dead chickens, sick or diseased living chickens, dead or dying baby

chicks, any other dead fowl, any dead animals or animal matter, including the refuse of any slaughterhouse, and any discarded hatching eggs in or upon the streets, roads, roadsides, highways or lanes of the City of Vineland or in or upon any pond, stream, swamplands or waters therein or upon any vacant or occupied lands in said city, public or private.

§ 219-52. Approved poultry pits.

This Article shall not apply to the deposit of such fowl or animals in approved poultry pits in case such pits shall be permitted by this Board or the New Jersey State Department of Health.

§ 219-53. Construal of provisions. [Amended 8-28-1990 by Ord. No. 90-79]

This Article is in addition to the provisions of § 413-12 and Article 1 of Chapter 273, all passed by the City Council of said city. As to the matters contained in said recited sections, this article shall be coextensive, and as to all matters contained herein which are not included in said recited sections of city ordinances, this article shall be supreme and paramount.

§ 219-54. Violations and penalties.

- A. Any person violating any of the provisions of this article shall, upon conviction, pay a fine not exceeding \$100 and not less than \$50. The amount of the penalty between said maximum and minimum, inclusive, shall be left to the discretion of the court or Judge before whom the complaint is made. **[Amended 8-28-1990 by Ord. No. 90-79** Editor's Note: See Art. II, General Penalty, of Ch. 1, General Provisions, for additional provisions.]
- B. In case a judgment is rendered against a defendant by the Court, execution may forthwith issue against his goods and chattels unless an appeal is granted, and upon failure to pay the amount of the judgment with all costs and charges, he shall be committed to the county jail for a period not exceeding 90 days.
- C. In case a defendant shall have been twice convicted within the space of six months of the violation of any of the provisions of this article, the court or Judge hearing the same, may, in addition to the penalty prescribed in Subsection A above, order the defendant to be imprisoned in the county jail for such number of days as the court or Judge may determine, not exceeding one day for each dollar of the penalty. **[Amended 8-28-1990 by Ord. No. 90-79]**

ARTICLE IV Disposal of Dead Animals by Raisers and Slaughterers [Adopted 7-12-55 by Ord. No. 178 Editor's Note: This ordinance specifically repealed all parts of Ord. No. 94 that provided for the deposit of dead chickens or animals in the municipal dump and any parts of Ord. Nos. 18 and 52 inconsistent with this ordinance. Ordinance No. 94 was later repealed in its entirety 5-8-1978 by Ord. No. 1129. See Art. III of this chapter and Ch. 273, Garbage, Rubbish and Refuse, Art. I. **(Art. I of Ch. 41 of the 1968 Code)**

§ 219-55. Methods.

All persons, firms or corporations engaged in the business of raising or slaughtering of animals or of raising or slaughtering of poultry, except those hereinafter excepted, shall dispose of all dead animals or animal matter, including the refuse of any animal slaughterhouse, and all dead chicks, chickens, turkeys and other fowl including discarded hatching eggs, in one of the following ways:

- A. By the use of an approved electrical incinerator.
- B. By the use of an approved gas incinerator.
- C. By the deposit thereof in an approved poultry pit as hereinafter specified.

§ 219-56. Exclusions.

- A. The provisions of this article shall not apply to raisers of poultry who maintain a maximum flock of not exceeding 100 birds.
- B. The provisions of this article shall not apply to persons who collect and sell, deliver or turn over their dead fowl to established out-of-town parties who promptly collect or receive the same and promptly remove them from the City of Vineland.

§ 219-57. Poultry pit specifications.

All such poultry pits shall be in substantial conformity with the specifications prepared and issued by the Extension Service College of Agriculture, Rutgers University, and which have been approved by officials of the New Jersey State Department of Health. Such specifications shall be kept on file in the office of the Department of Health, and copies shall be made available to all parties in interest.

§ 219-58. Time limitations for disposal.

All fowl which come to their death by reason of any contagious disease shall be disposed of within 24 hours after such death. All other dead fowl shall be disposed of before putrefaction sets in.

§ 219-59. Timely installation of pits and incinerators.

All persons, firms or corporations engaged in the businesses aforesaid shall install said incinerators or poultry pits within a period of 60 days from and after the date of the final passage of this article.

§ 219-60. Permits for pit or incinerator installation.

All such persons, firms or corporations shall forthwith, after the final passage of this article, apply for a permit from the Department of Health for the installation of such incinerators or the construction of said pits.

§ 219-61. Application data; issuance of permit after inspection.

The application for such permits shall state which style of disposal is intended to be installed, and the permit will be issued only after inspection and approval of the incinerators or pits by the Department of Health.

§ 219-62. Inspection and permit fee.

No fee shall be charged for such inspection, approval and permit.

ARTICLE V Disposal of Dead Animals by Trash Collectors [Adopted 8-23-1955 as Ord. No. 182 (Art. II of Ch. 41 of the 1968 Code)]

§ 219-63. Authorization for handling.

In addition to the requirements and regulations contained in Article IV of this chapter, dead fowl and animals may also be disposed of by trash collectors, who shall be licensed as herein provided and be subject to the regulations herein contained.

§ 219-64. Annual license fee; approval of application. [Amended 1-11-1977 by Ord. No. 1065]

All trash collectors who shall dispose of dead animals or fowl shall pay an annual license fee of \$10, to be renewed on the first day of January of each year and to be issued by the Director of the Department of Licenses and Inspections. All applications shall be approved by the Director of the Health Department.

§ 219-65. Equipment prerequisite, compliance required. [Amended 10-27-1959 by Ord. No. 329]

Such licensees may pick up, transport, dispose of and transfer dead animals and fowl, provided that they shall have proper equipment and facilities and shall transport, dispose of and transfer such dead animals in accordance with the provisions hereinafter set forth.

§ 219-66. Container requirements. [Amended 10-25-1959 by Ord. No. 329]

All trucks used for the transporting of dead fowl and animals shall be of a closed type that may be shut airtight after the deposit of dead fowl or animals. Said trucks and any and all containers used in conjunction with the removal of dead fowl and animals shall be such as to be airtight after the deposit of dead fowl or animals in them.

§ 219-67. Daily cleaning and disinfecting. [Amended 10-25-1959 by Ord. No. 329]

All equipment shall be cleaned daily, immediately after the transfer or disposal of dead fowl or animals, and the equipment and trucks shall be properly disinfected with a disinfectant approved by the Director of the Department of Health of the City of Vineland.

§ 219-68. Burial requirements. [Amended 10-25-1959 by Ord. No. 329]

In the event that the dead fowl or animals are to be buried, they shall be disposed of at a location remote from human habitation and shall be covered daily, and said location shall be kept in a sanitary condition and shall in no wise become offensive.

§ 219-69. Approval of transfer locations required. [Amended 10-25-1959 by Ord. No. 329]

In the event that the dead fowl or animals are to be transferred from trucks or containers to other trucks or containers for disposal out of the city, then said transfer shall take place only at a location approved by the Director of the Department of Health, which location shall be remote from human habitation.

§ 219-70. Approval of cleaning and disinfecting location required. [Amended 10-25-1959 by Ord. No. 329]

The location for the cleaning and disinfecting of trucks and equipment shall be approved by the Director of the Department of Health, and said cleaning and disinfecting of equipment shall take place at a location remote from human habitation.

§ 219-71. Supervision of transfers and disposals. [Amended 10-25-1959 by Ord. No. 329]

All locations of transfer or disposal shall be subject to the approval of the Director of Health, and all operations herein specified shall be under the strict supervision and direction of the Department of Health and its officers and employees.

§ 219-72. Maintenance of locations. [Amended 10-25-1959 by Ord. No. 329]

The maintenance of all locations shall be by the licensees using the same, who shall secure the site and perform all work and bear all expenses concerning the same.

§ 219-73. Power of Director; notices to licensees. [Amended 10-25-1959 by Ord. No. 329]

The Director of the Department of Health shall be empowered, in addition to the regulations herein described, to prescribe such other rules and regulations that may be in the interest of the public health, safety and welfare in connection with the picking up, transferring and disposal of dead fowl and animals. All rules and regulations issued by the Department of Health shall be immediately mailed to all licensees hereunder, who shall have 20 days' notice of the enactment of such rules and regulations.

§ 219-74. Conflicting rules and regulations. [Amended 10-25-1959 by Ord. No. 329]

The Department of Health shall not issue any rules or regulations in conflict with this article.

§ 219-75. Revocation of license; notice to licensee. [Amended 10-25-1959 by Ord. No. 329]

Any license granted hereunder may be revoked by the City Council for any failure to observe the provisions of this article or for violation of any of the regulations herein contained. Such license shall be entitled to 10 days' written notice of such intended revocation and be given an opportunity to show cause why the license should not be revoked.

§ 219-76. Application of provisions.

This article shall be considered as supplemental to Article IV of this chapter.

ARTICLE VI Potentially Dangerous and Vicious Dogs [Adopted 12-26-1990 by Ord. No. 90-113; amended in its entirety 8-28-2001 by Ord. No. 2001-54]

§ 219-77. Definitions.

For the purposes of this article, the following terms shall be defined as follows:

ANIMAL CONTROL OFFICER — A certified Municipal Animal Control Officer, or in the absence of such an officer, the chief law enforcement officer of the municipality or designee.

DOG — Any dog or dog hybrid.

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

POTENTIALLY DANGEROUS DOG — Any dog or dog hybrid declared "potentially dangerous" pursuant to this article.

VICIOUS DOG — Any dog or dog hybrid declared "vicious" pursuant to this article.

§ 219-78. Seizure and impoundment of dogs.

- A. An Animal Control Officer appointed by the Vineland Police Department shall seize and impound a dog when the Officer has reasonable cause to believe that the dog:
- (1) Attacked a person and caused death or serious bodily injury, as defined in N.J.S.A. 2C:11-b, to that person.

- (2) Caused bodily injury, as defined in N.J.S.A. 2C:11-1a, to a person during an unprovoked attack and poses a serious threat of harm to persons or domestic animals.
 - (3) Engaged in dogfighting activities as described in N.J.S.A. 4:22-24 and 22-26.
 - (4) Has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.
- B. 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. If the owner does not agree to the facility or other structure approved by the Health Officer, the owner shall be responsible for all fees involved at the facility of his own choosing, provided that this facility is approved by the Municipal Health Officer.

§ 219-79. Hearing.

- A. The Animal Control Officer shall notify the Municipal Court and the Municipal Health Officer within three working days that he has seized and impounded a dog pursuant to § 219-78 of this article 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 days, that dog may be humanely destroyed.
- B. The Municipal Court shall, within three working days of the determination of the identity of the owner of a dog seized and impounded pursuant to this article, notify by certified mail, return receipt requested, the owner 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 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 days of receipt, the dog may be humanely destroyed.

§ 219-80. Notice of hearing.

The Municipal Court shall notify the owner of the impounded dog by certified mail, return receipt requested, of the date and time of the hearing. The Animal Control Officer shall also hand deliver a copy of the certified mailed notice and post it at the residence of the owner. During the hearing, the owner shall have the opportunity to present evidence to demonstrate that the dog is not vicious or potentially dangerous.

§ 219-81. Declaration of vicious dog.

- 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:11-1b to a person; or
 - (2) Has engaged in dogfighting activities as described in N.J.S.A. 4:22-24 and 22:26.
- B. A dog may not be declared "vicious" for inflicting death or serious bodily injury as defined in N.J.S.A. 2C:11-1b upon a person if that person was committing or attempting to commit a crime or if that person was tormenting or inflicting pain upon the dog in such an extreme manner that an attack of such nature could be considered provoked. If the Municipal Court declares a dog to be vicious and no appeal is made of this ruling, the dog shall be destroyed in a humane and expeditious manner, except

that no dog may be destroyed during the pendency of an appeal.

§ 219-82. Declaration of potentially dangerous dog.

- A. The Municipal Court shall declare a dog to be "potentially dangerous" if it finds that the dog:
 - (1) Caused bodily injury, as defined in N.J.S.A. 2C:11-1a, to a person during an unprovoked attack and poses a serious threat of bodily injury or death to a person; or
 - (2) Killed another domestic animal and poses a threat of serious bodily injury or death to a person or 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:11-1a, to a person if that person was committing or attempting to commit a crime or if that person was tormenting or inflicting pain upon the dog in such an extreme manner that an attack of such nature could be considered provoked; or
 - (2) Killing a domestic animal if the domestic animal was the aggressor.

§ 219-83. Schedule of compliance.

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 Director of the Department of Licenses and Inspections for a special municipal potentially dangerous dog license, municipal registration number and red identification tag issued pursuant to § 219-86 of this article. 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 hereunder.
 - (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 is 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 comply with the following conditions:
 - (1) 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.

- (2) To tether the dog within the enclosure with a tether approved by the Animal Control Officer and having a minimum tensile strength in excess of that required to fully secure the dog and of a length which prohibits the dog from climbing, jumping or digging out of a confined area.

§ 219-84. Liability of owner; subsequent hearing.

- 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 for the costs and expenses of impounding and destroying the dog. The owner shall incur the expense of impounding the dog in a facility other than the municipal pound, regardless of whether the dog is ultimately found to be vicious or potentially dangerous.
- 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 Department of Health laboratory for rabies testing.
- C. 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.

§ 219-85. Owners' responsibilities; violations and penalties.

- A. The owner of a potentially dangerous dog shall:
 - (1) Comply with the provisions of this article in accordance with a schedule established by the Municipal Court, but in no case more than 60 days subsequent to the date of determination.
 - (2) Notify the Department of Licenses and Inspections, Police Department and the Animal Control Officer if a potentially dangerous dog is at large or has attacked a human being or killed a domestic animal.
 - (3) Notify the Department of Licenses and Inspections, Police Department and the Animal Control Officer within 24 hours of the death, sale or donation of a potentially dangerous dog.
 - (4) Prior to selling or donating the dog, inform the prospective owner that the dog has been declared potentially dangerous.
 - (5) Upon the sale or donation of the dog to a person residing in a different municipality, notify the local health department, 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.
 - (6) In addition to any license fee required pursuant to N.J.S.A. 4:19-15.3, pay a potentially dangerous dog license fee to the City of Vineland pursuant to § 219-86 of this article.
 - (7) Have the dog neutered or spayed.
- B. The owner of a potentially dangerous dog who is found by clear and convincing evidence to have violated this article or any rule or regulation adopted pursuant thereto or to have failed to comply with a Municipal 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 owner fails to comply with the provisions of this article or any rule or regulation adopted pursuant thereto or a Municipal Court's order. The

Municipal Court may order that the dog so seized and impounded be destroyed in an expeditious and humane manner.

§ 219-86. City's responsibilities.

The Department of Licenses and Inspections 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 Municipal Court's orders. The last three digits of each potentially dangerous dog registration number issued by the Department of Licenses and Inspections will be "201." The Animal Control Officer shall verify, in writing, compliance with the Municipal Clerk or other official designated to license dogs in the municipality.
- B. Publicize a telephone number for reporting violations of this article.

§ 219-87. Inspection.

The Animal Control Officer shall inspect the enclosure and the owner's property at least monthly to determine continuing compliance with § 219-83 of this article.

§ 219-88. Fees and fines.

The person applying for the license and registration tag shall pay a fee of \$700 for each dog, and each annual renewal thereof shall be the same as the original license and registration tag. Such licenses, tags and renewals thereof shall expire on the last day of January of the year following the year in which the license, registration tag and renewal are issued. All fines and fees collected or received by the City of Vineland pursuant to §§ 219-85 and 219-86 of this article shall be deposited in a special account and used by the City of Vineland to administer and enforce the provisions of this article.

§ 219-89. Applicability.

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

ARTICLE VII Cats [Adopted 11-10-1992 as Section 25 of Ord. No. 92-83 Editor's Note: This ordinance was vetoed by the Mayor 11-17-1992. The veto was overridden by Council 11-24-1992.]

§ 219-90. Definitions.

In the interpretation of this article, the following words and phrases, unless the context shows another sense to be intended, shall be held to have the meanings hereinafter stated:

ANIMAL — For the purpose of this article, "animal" shall mean dog or cat.

ANIMAL CONTROL AUTHORITY — Any person or agency designated or certified by the State of New Jersey to enforce the provisions of this article.

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

CAT OF LICENSE AGE — Any cat which has attained the age of seven months or which possesses a set of permanent teeth.

CATTERY — Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein cats for sale are kept or displayed.

LICENSING AUTHORITY — The agency or department within the municipal limits of the City of Vineland or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this article.

NEUTERED — Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

OWNER — When applied to the proprietorship of a cat, includes every person having a right of property (or custody) in such cat and every person who has such cat in his/her keeping or who harbors or maintains a cat or knowingly permits a cat to remain on or about any premises occupied by that person or who feeds such a cat on a regular basis.

PERSON — Any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.

§ 219-91. License required; vaccination; exemptions.

- A. License requirements. No person shall own, keep, harbor or maintain any cat over seven months of age within the municipal limits of the City of Vineland unless such cat is licensed. The provisions of this section do not apply to cats held in a cattery or those held by a state or federal licensed research facility or a veterinary establishment where cats are received or kept for diagnostic, medical, surgical or other treatments or licensed animal shelters, pounds, kennels or pet shops.
- B. Vaccination. All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization, published by the National Association of State Public Health Veterinarians, except as provided for in Subsection D.
- C. Vaccination certificate. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the state.
- D. Exemptions. Any cat may be exempted from the requirements of such vaccination for a specified period of time by the Local Health Department, upon presentation of a veterinarian's certificate stating that, because of an infirmity or other physical condition or regimen of therapy, the inoculation of such cat shall be deemed advisable.

§ 219-92. Licensing requirements.

- A. Cats must have a license number displayed. Any person who shall own, keep or harbor a cat of licensing age shall annually apply for and procure from the Clerk of the municipality or other official designated by the governing body thereof to license cats in the municipality in which he/she resides a license and official registration tag with license number or a registration sleeve for each cat so owned, kept or harbored and shall place upon such cat a collar or other device with the license number securely fastened or displayed thereto. Acceptable methods of displaying license number shall include, but are not limited to, breakaway or elastic collars. License tags or sleeves are not transferable.
- B. Time for applying for license. The owner of any newly acquired cat of licensing age or of any cat which attains licensing age shall make application for a license tag or sleeve for such cat within 10 days after such acquisition or age attainment. This requirement will not apply to a nonresident keeping a cat within the municipal limits of the City of Vineland for no longer than 90 days.
- C. Cats brought into jurisdiction.
 - (1) Any person who shall bring or cause to be brought within the municipal limits of the City of Vineland any cat licensed in another state for the current year and bearing a registration tag or

sleeve and who shall keep the same or permit the same to be kept within the municipal limits of the City of Vineland for a period of more than 90 days shall immediately apply for a license and registration tag or sleeve for each such cat.

- (2) Any person who shall bring or cause to be brought within the municipal limits of the City of Vineland any unlicensed cat and who shall keep the same or permit the same to be kept within the municipal limits of the City of Vineland for a period of more than 10 days shall immediately apply for a license and registration tag or sleeve for each such cat.
- D. Application contents; preservation of information. The application shall state the breed, sex, age, color and markings of the cat for which license and registration are sought and whether it is of a long-haired or short-haired variety; also the name, street and post office address of the owner and the person who shall keep or harbor such cat. The information on said application and the registration number issued for the cat shall be preserved for a period of three years by the Clerk or other local official designated to license cats in the municipality.
 - E. License forms and tags. License forms and official tags or sleeves shall be furnished by the municipality and shall be numbered serially and shall bear the year of issuance and the name of the municipality.
 - F. Evidence of inoculation with rabies vaccine or certification of exemption; requirement for license. No Municipal Clerk or other official designated by the governing body of any municipality to license cats therein shall grant any such license and official registration tag or sleeve for any cat unless the owner thereof provides evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Agriculture and the United States Department of Human Services or has been certified exempt as provided by § 219-91 of this article. The rabies inoculation shall be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same. A license shall not be issued unless the rabies inoculation certificate is valid through December 31, or any other such date necessary to conform to the most recent policy statement from the State Health Department regarding such matters, of the licensing year for which application is being made. **[Amended 10-22-1996 by Ord. No. 96-88]**
 - G. License fee schedule. A license shall be issued after payment of a fee of \$8 for each unneutered cat and \$4 for each neutered cat. Persons who fail to obtain a license as required on or before the last day of February will be subject to a delinquent fee of \$6. **[Amended 11-24-1992 by Ord. No. 92-91; 10-22-1996 by Ord. No. 96-88]**
 - H. Fees; renewals; expiration date of license. **[Amended 10-22-1996 by Ord. No. 96-88]**
 - (1) A license from another municipality shall be accepted. The person applying for the license and registration tag and/or sleeve shall pay the fee fixed or authorized. The fee for the renewal of license and registration tag or sleeve shall be the same as for the original, and said license, registration tag or sleeve and renewal thereof shall expire on the last day of February in the following year, beginning with licenses issued in 1997.
 - (2) The following cats shall be exempt from late fees:
 - (a) Cats just reaching licensing age as verified by a veterinarian.
 - (b) Newly acquired cats as verified by a receipt from a licensed pet shop/kennel or by an SPCA/shelter adoption agreement.
 - (c) Cats currently licensed in another state.
 - (3) Only one license and registration tag or sleeve shall be required in the licensing year for any cat within the municipal limits of the City of Vineland. Any valid New Jersey license tag or sleeve issued by a New Jersey municipality shall be accepted by this municipality as evidence of compliance.
 - I. Loss of license. If a license tag or sleeve has been misplaced or lost, the Department of Licenses and

Inspections may issue a duplicate license and/or registration sleeve for that particular cat at a fee of \$0.50.

- J. Proof of licensing. Proof of licensing shall be produced by any person owning, keeping, maintaining or harboring a cat, upon the request of any health official, police officer, animal control officer or other authorized person.
- K. Interfering with persons performing duties under this article. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article.
- L. Disposition of fees collected. License fees and other moneys collected or received under the provisions of this article shall be forwarded to the Treasurer of the municipality and shall be dedicated and used for the following purposes only: for collecting, keeping and disposing of cats liable to seizure, for local prevention and control of rabies and for administering the provisions of this article.
- M. Applicant for license. No license shall be issued for any cat in the name of any person who has not reached the legal age of majority. **[Added 10-22-1996 by Ord. No. 96-88]**

§ 219-93. Violations and penalties.

- A. Any person who violates or refuses to comply with any part of any of the following sections, namely §§ 219-91A and C and 219-92 of this article, shall be subject to a fine of not less than \$15 nor more than \$500 for each offense, to be recovered by and in the name of the city. Any person who refuses or neglects to pay forthwith the amount of a judgment rendered against him and the costs and charges incident thereto shall be committed by the court to the county jail for a period not exceeding 10 days in the case of a first conviction, and in the case of a conviction for a second, subsequent or continuing violation, for a period not exceeding 30 days.
- B. Any person who violates or refuses to comply with any part of the following sections, namely § 219-92B of this article, shall be subject to a fine of not less than \$25 and not more than \$500 or imprisonment for a period not exceeding 90 days, or to both, in the discretion of the court.