

ORDINANCE NO. 2009-14

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING
CHAPTER V, ANIMAL CONTROL
SECTION 5-1, "DOGS" AND SECTION 5-2, "PENALTIES"**

WHEREAS, the Mayor and Council of the Borough of Red Bank believe that it is appropriate to increase the Borough's fines for certain violations of the Borough's Animal Control Ordinances pertaining to dogs to make them consistent with other Monmouth County municipalities;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter V of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "Animal Control" is hereby amended and supplemented as follows:

SECTION ONE:

Section 5-1, "Dogs" is hereby amended and supplemented as follows (stricken text denotes deletions, underlined text denote additions):

5-1 DOGS.

5-1.1 Dogs Off Premises of Owner Shall Be Securely Confined. No person owning or having the care, custody or control of any dog shall permit such dog to go or be off the premises owned by or in the possession of such person unless the dog shall be accompanied by a person who is capable of controlling such dog and who has the dog securely confined and controlled by an adequate leash not more than six (6') feet long, or in a crate or otherwise securely confined.

5-1.2 Unlawful for Owner to Permit Nuisances on Public Property. No person owning or having the care, custody or control of any dog, shall permit such dog to soil or defile or to commit any nuisance upon any sidewalk, street or thoroughfare, in or upon any public property, or in or upon the property of persons other than the owner or person having the care, custody and control of such dog.

5-1.3 Injury to Lawn, Shrubbery, Flowers, Etc. Prohibited. No person owning or having the care, custody or control of any dog shall permit it to soil or defile or do any injury or damage to any lawn, shrubbery, flowers, grounds, trees or any property of persons other than the owner or person having the care, custody or control of such dog.

5-1.4 Habitually Barking Dogs. No person shall keep, harbor or maintain any dog which habitually barks or cries so as to disturb the public peace.

5-1.5 Owner Responsibility for Damages. The owner or custodian of any dog shall be responsible for any damage done by such dog.

5-1.6 License Required; Fees.

- a. Each dog shall be duly licensed and shall bear evidence of such license at all times in accordance with the laws of the State of New Jersey. The annual fee for such a license shall be ten dollars and eighty (\$10.80) cents for each dog, plus one dollar and twenty (\$1.20) cents for the registration tag for each dog. The license, registration tags and renewals thereof shall expire on the last day of January of each year. Persons who fail to obtain a license as required within the time period specified in this subsection will be subject to a delinquent fee of five (\$5.00) dollars.
- b. In addition to all other license fees there is hereby fixed a three (\$3.00) dollar

surcharge on all licenses for non-spayed and non-neutered dogs.

5-1.7 Enforcement; Appointment of Designated Authority. The Mayor and Council shall have the power to appoint a Poundmaster [... and] to enter into a contract with one or more persons for the exercise of the duty of Dog Catcher, Dog Warden or Poundmaster, and to enforce the provisions of this Chapter.

5-1.8 Impounded Dogs. The Poundmaster or any other person appointed for the purpose shall take into custody and impound or cause to be taken into custody and impounded, and thereafter destroyed or disposed of as provided in this section:

- a. Any dog running at large in this Borough.
- b. Any dog off the premises of the owner or the person keeping or harboring the dog without a current registration tag on his collar and not controlled by a leash as provided in this Chapter.
- c. Any female dog in season, off the premises of the owner or person keeping or harboring such dog.

When any dog so seized has been detained for seven (7) days after notice, when notice can be given, or has been detained for seven (7) days after seizure when notice cannot be given in accordance with the Laws of the State of New Jersey, and if the owner or person keeping or harboring the dog has not claimed the dog and paid all expenses incurred by reason of its seizure and detention, and if the dog be unlicensed at the time of seizure, and the owner or person keeping or harboring the dog has not produced a license and registration tag for the dog, the Poundmaster, or other designated authority, must cause the dog to be destroyed in a manner causing as little pain as possible.

5-2 PENALTIES.

5-2.1 Fines for Violations. Any person violating any of the provisions of this Chapter shall, upon conviction thereof, be subject to a fine not to exceed ~~fifty (\$50.00) twenty-five (\$25.00)~~ dollars for the first conviction of such violation and upon failure to pay the fine and the costs and charges incidental thereto, may be confined to the County Jail for a period not to exceed ten (10) days; and in the case of a conviction, for a second, subsequent or continuing violation, shall be subject to a fine not to exceed ~~seventy-five (\$75.00) fifty (\$50.00)~~ dollars for each offense and upon failure to pay the fine and the costs and charges incidental thereto may be confined to the County Jail for a period not to exceed thirty (30) days.

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance. All other provisions of the Revised General Ordinances are ratified and remain in full force and effect.

SECTION THREE: If any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

First Reading: April 13, 2009

Final Reading: April 27, 2009