

**ORDINANCE 884 AN ORDINANCE TO AMEND THE CODE OF
THE BOROUGH OF DEAL BY AMENDING
CHAPTER 9, DOGS**

BE IT ORDAINED by the Board of Commissioners of the Borough of Deal, in the County of Monmouth and State of New Jersey.

SECTION 1. That Chapter 9, Dogs, be amended to read as follows:

9-1. Running at large prohibited.

No dog shall be permitted to run at large at any time in the Borough of Deal, except as hereinafter provided.

9-2. Leash requirements.

- A. No person owning, keeping or harboring any dog shall suffer or permit the same to run at large anywhere in the borough, except upon the property of the person owning, keeping or harboring said dog.
- B. Any dog off the premises of any person owning, keeping or harboring the same shall be accompanied by a person capable of controlling said dog and who has the dog upon a leash not exceeding ten (10) feet in length or in a crate or box or otherwise securely confined so as to prevent it from running at large.

9-3. Nuisances upon property of others, including public property, prohibited.

- A. 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, gutter, street, thoroughfare, park, in or upon any public property or in or upon the property or persons other than the owner or person having the care, custody and control of such dog.
- B. No person owning or having the care, custody or control of any dog shall suffer or 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.
- C. It shall be the duty of any person owning or having the care, custody or control of any dog to immediately remove any feces left by such dog on any sidewalk, gutter, street, thoroughfare, park or other public area or private property not his own.

9-4. Owner or custodian responsible for damage.

The owner or custodian of any dog referred to in 9-3 shall be responsible and liable for any damage done by any such dog.

9-5. Responsibilities and liability of owner; keeping of dogs which disturb public peace prohibited.

- A. It shall be unlawful for any person to keep or harbor within the borough any dog which is known to be vicious or which has evidenced a disposition to attack human being, unless the dog is securely confined within a building, muzzled and securely confined within an area completely surrounded by a secure fence five (5) feet in height or muzzled, leashed and attended by a person capable of controlling the dog.
- B. Dogs bites; barking dogs.
 - 1. The owner of a dog which bites a person while such person is on or in a public place or lawfully on or in a private place, including the property of the owner of the dog, shall be liable for such damages as may be suffered by the person bitten, regardless of the former viciousness of such dog or the owner's knowledge of such viciousness. The owner of a dog shall be responsible for any damage caused by the destruction or wounding of domestic animals, committed by the dog.
 - 2. No person shall keep, harbor or maintain any dog which barks, howls or cries continuously for ten (10) minutes or intermittently for thirty (30) minutes so that same unreasonably interferes with the enjoyment of life or property of persons residing in the vicinity. The provisions of this section shall apply to all private or public facilities, including any animal pounds, kennels and pet shops, where a dog is held for any reason.

9-6. License required; license and registration tag fees; expiration date.

- A. Each and every 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 license shall be six dollars and eighty cents (\$6.80) for each dog, in addition to any fees imposed by the State of New Jersey. Said licenses, registration tags and renewals thereof shall expire on the last day of January in each year. A late fee of five dollars (\$5.00) shall be assessed on all license renewals issued to a dog owner after the expiration date of January 31.
- B. Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefore.

9-7. Appointment of Pound master authorized.

The Mayor and Commissioners shall have power to appoint a Pound master or other designated authority, whose duty it shall be to enforce the provisions of this chapter. The Mayor and Commissioners shall also have power to enter into a contract with one (1) or more persons for the exercise of the duty of Dogcatcher, Dog Warden or pound master, and to enforce the provisions of this chapter.

9-8. Seizure and detention of dogs running at large.

- A. The Pound master or any other person appointed for the purpose shall take into custody and impound, or cause to be taken into custody and impounded, any male or female dog running at large in this municipality contrary to any of the provisions or sections of this chapter.
- B. 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 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 said dog has not claimed said dog and paid all expenses incurred by reason of its seizure and detention, and if the dog be unlicensed at the time of the seizure and the owner or person keeping or harboring said dog has not produced a license and registration tag for said dog. the Pound master or other designated authority may cause the dog to be destroyed in a manner causing as little pain as possible.

9.9 Violations and penalties.

Any person convicted or violating any of the provisions of this chapter shall, upon conviction thereof, be liable to a penalty of not more than ten dollars (\$10.), plus court costs, for the first offense, twenty-five dollars (\$25.), plus court costs, for the second offense, fifty dollars (\$50.), plus court costs, for the third offense and, for the fourth and subsequent offenses, to a fine of not more than five hundred dollars (\$500.), plus court costs, or imprisonment in the county jail for not more than ninety (90) days, or both. Any person charged with violating any provision of this chapter after once having been convicted of a violation of this chapter shall be required to appear in court to answer such charge.

9.10 Provisions supplementary to statutes and Other regulations.

Nothing herein contained shall in any way be construed as relieving any person from complying with any state statutes or other regulations pertaining to the licensing and registration of dogs, and this chapter is intended to be supplementary to any provisions of any such other laws.

SECTION 2. This ordinance shall take effect upon the passage and publication according to law.

Introduction: September 11, 2001 By Commissioner Dayan
Seconded by Commissioner O'Donnell
Roll Call: Ayes 3; Franco, O'Donnell & Dayan

Adoption: September 25, 2001 Motion By Commissioner Dayan
Second Mayor Franco
Roll Call: Ayes 2; Franco & Dayan, Absent 1; O'Donnell