

**BOROUGH OF ROOSEVELT
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

**ORDINANCE 2022-08
INTRODUCTION DATE: 07-18-2022
ADOPTED DATE: 08-02-2022**

AN ORDINANCE AMENDING SECTION 5-7: “IMPOUNDING AND DESTRUCTION OF CERTAIN DOGS” OF ARTICLE I: “DOGS” OF CHAPTER 5: “ANIMAL CONTROL” TO CLARIFY CERTAIN REGULATIONS TO COMPORT WITH THE BOROUGH’S NEW ANIMAL CONTROL CONTRACT AND IMPLEMENT CERTAIN ADMINISTRATIVE FEES FOR THE RETURN OF AN IMPOUNDED DOG

WHEREAS, the Borough of Roosevelt (the “Borough”), as a municipal corporation, is empowered by Title 40 of the New Jersey Revised Statutes to regulate the keeping of domesticated animals, and is responsible for the control of domesticated animals and wildlife within its limits; and

WHEREAS, given the Borough’s new shared services agreement with Western Monmouth Animal Control, it is necessary for the Borough to amend certain regulations and administrative fees to comport with the Borough’s new animal control initiatives to enhance the health and welfare of the residents of Roosevelt;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Roosevelt, County of Monmouth, State of New Jersey that Section 5-7: “Impounding and Destruction of Certain Dogs” of Article I: “Dogs” of Chapter 5: “Animal Control” of the Borough Code of the Borough of Roosevelt is hereby amended as follows (~~stricken text~~ indicates deletions, underlined text indicates additions):

CHAPTER 5: ANIMAL CONTROL

ARTICLE I: DOGS

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§5-7 IMPOUNDMENT AND DESTRUCTION OF CERTAIN DOGS.

§5-7.1 Causes for Impounding.

The Animal Control Officer shall take into custody and impound, or cause to be taken into custody and impounded, any of the following dogs:

- a. ~~Any unlicensed dog running at large in violation of the provisions of this chapter.~~
- b. ~~Any dog off the premises of the owner or the person keeping or harboring the dog which the Animal Control Officer or his agent has reason to believe is a stray dog.~~

- ~~c. Any dog off the premises of the owner of or the person keeping or harboring such dog without a current registration tag on its collar.~~
- ~~d. Any female dog in season off the premises of the owner of or the person keeping or harboring such dog.~~
- ~~e. Any dog or other animal which is suspected to be rabid.~~
- ~~f. Any dog which has attacked a person or animal pursuant to N.J.S.A. 4:19-19.~~
- ~~g. Any dog which has been determined to be a vicious or potentially dangerous dog as provided in § 5-6, provided that these dogs may also be seized by any police officer, Code Enforcement Officer or any other individual designated by the Mayor and Council of the Borough, and provided further that if the dogs cannot be seized with safety, they may be killed.~~
- a. Any unlicensed dog running at large in violation of the provisions of this chapter.
- b. Any dog off the premises of the owner of or the person keeping or harboring such dog which the Animal Control Officer or his agent has reason to believe is a stray dog.
- c. Any dog off the premises of the owner of or the person keeping or harboring such dog without a current registration tag on its collar.
- d. Any female dog in season off the premises of the owner of or the person keeping or harboring such dog.
- e. Any dog which has been determined to be a vicious dog or a potentially dangerous dog as provided in § 5-6, provided that such dog may also be seized by any police officer, and provided further that, if such dog cannot be seized with safety, it may be killed.
- f. Any dog or other animal which is suspected to be rabid.
- g. Any dog or other animal off the premises of the owner reported or observed by the Animal Control Officer to be ill, injured or creating a threat to the public health, safety and welfare or otherwise interfering with the enjoyment of property.
- h. Any dog or dog hybrid which the Animal Control Officer has reasonable cause to believe has attacked a person or caused death or serious bodily injury as defined in N.J.S.A. 2C:11-1(b) to that person; or has caused bodily injury as defined in N.J.S.A. 2C:11-1(a) to a person during an unprovoked attack and poses a serious threat of harm to persons or domestic animals; or has engaged in dog fighting activities as described in N.J.S.A. 4:22-26; or has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.

§5-7.2 Access to premises.

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

§5-7.3 Notice of seizure.

If any dog so impounded or seized wears a registration tag, collar, harness or microchip showing the name and address of any person, or the owner of the person keeping or harboring the dog is known, the Animal Control Officer shall immediately serve on the person whose address is given on the collar, or on the person owning, keeping or harboring the dog, 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.

A notice under this subsection may be served either by delivering it to the person on whom it is to be served, or by leaving it at the person's usual or last known place of abode, or at the address given on the collar or microchip, or by forwarding it by mail in a prepaid letter addressed to that person at his usual or last known place of abode, or to the address given on the collar or microchip.

§5-7.4 Disposition of Unclaimed Dogs.

~~The Animal Control Officer is authorized and empowered to cause the destruction of any unclaimed dog, in as humane a manner as possible, under any of the following contingencies:~~

- ~~a. When any dog so seized has not been claimed by the person owning, keeping or harboring the dog within seven days after notice or within seven days of the dog's detention when notice has not been or cannot be given, as set forth in the previous subsection.~~
- ~~b. If the person owning, keeping or harboring any dog so seized has not claimed the dog and has not paid all expenses incurred by reason of its detention, including maintenance, not to exceed \$5 for the first day, and \$1 per day for each additional day.~~
- ~~c. If the seized dog is unlicensed at the time of its seizure and the person owning, keeping or harboring the dog has not produced a license and registration tag as provided in this chapter.~~

The Animal Control Officer or his or her authorized representative, including an authorized kennel, is empowered to cause the destruction, in as humane a manner as possible, of any dog or other animal seized by him or otherwise coming into his possession, under any of the following circumstances:

- a. When any dog or other animal has not been claimed by the person owning, keeping or harboring same within seven days after notice or within seven days of the animal's detention when notice cannot be given to the person owning, keeping or harboring the dog or other animal in accordance with Subsection 5-7.3 and the administrative fee as provided in Subsection 5-7.5 has not been paid.
- b. When any dog is unlicensed at the time it is seized or otherwise comes into the possession of the Animal Control Officer, and the person owning, keeping or harboring such dog has not produced a current license and registration tag as provided in this chapter.

§5-7.5 Administrative Fee.

In order for a dog or other animal to be returned to the person owning, keeping or harboring same, when the dog or other animal has been seized by or otherwise comes into the possession of the Animal Control Officer, there must be paid an administrative fee, which is hereby established. This fee shall be exclusive of any charges or fees of a kennel for the custody, care, maintenance, control or disposal of the dog or other animal. The administrative fee shall be payable to the Borough in the following manner:

- a. The administrative fee for the return of a dog or other animal shall be \$60.
- b. If the dog or other animal is returned to the person owning, keeping or harboring same, at such person's home or place of residence, the fee shall be payable within 10 days of the return, or else the Animal Control Officer will issue a summons for failure to pay the fee; or
- c. If the dog of other animal is to be claimed by the person owning, keeping or harboring the animal at a kennel, proof of payment of the administrative fee must be presented at that time to the kennel

BE IT FURTHER ORDAINED that 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; and

BE IT FURTHER ORDAINED that, 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; and

BE IT FURTHER ORDAINED that this ordinance shall be in full force and take effect immediately upon final passage and publication according to law.

ATTEST:

APPROVED

Kathleen Hart, Borough Clerk

Peggy Malkin, Mayor