

CHAPTER 5

ANIMALS

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ARTICLE 1. PRESENCE AND CONDUCT OF DOGS

Sec. 5.1-1. CONTROL AND PRESENCE OF DOGS.

A. No owner or keeper of any dog shall allow, permit or suffer such dog to be or roam upon the property of another person without such other person's consent. No owner or keeper of any dog shall allow, permit or suffer such dog to be or roam at large upon any public property. Dogs when off the property of the owner or keeper shall remain within the physical control of such owner or keeper and not merely within such person's call. Nothing in this section shall be construed to limit or prohibit the normal use of hunting dogs during the open hunting season. A dog shall be deemed to be at large when it is found off the premises of the owner or keeper, unattended and not within physical control.

B. Penalty. Any person violating the provisions of this article, upon conviction, shall be subject to a penalty prescribed by General Penalty Section 1.1-6 of these revised ordinances.

Sec. 5.1-2. DESTRUCTION OF PROPERTY.

No owner or keeper of any dog shall allow, permit or suffer such do to injure or damage any vegetable garden, flower garden, lawn, plant, tree, shrubbery, grounds or other property of any person other than the person owning, harboring, keeping or having charge of such dog.

Sec. 5.1-3. DESTRUCTION OF ANIMALS.

No owner or keeper of any dog shall allow, permit or suffer such dog to worry, wound or kill any livestock, domestic animal or poultry of any person other than the person owning, harboring, keeping or having charge of such dog.

Sec. 5.1-4 DOGS IN TOWNSHIP PARKS

The Township Committee may bar, by resolution, animals from the Township Park during special events. Special events shall be defined as parades or celebrations of historic occurrences which take place within the Township of Pennsville. Excepted from the operation of this subsection are dogs trained to assist the handicapped or animals which are involved in an officially sanctioned event which is to take place in the Park.

Sec. 5.1-5. PRIMA FACIE EVIDENCE.

Proof of any dog having committed any of the acts specified in this Article shall be deemed prima facie evidence that such dog was not, at the time of the commission of any of such acts, within the physical control of the owner or keeper of such dog.

Sec. 5.1-6.

PENALTY.

Any person violating the provision of this section, upon conviction, shall be subject to the penalty as described by General Penalty, Section 1.1-6 of this Code.

ARTICLE 2. BARKING DOGS

Sec. 5.2-1. PROHIBITION; COMPLAINT.

Any person who owns, keeps harbors or possesses a dog or dogs, and suffers, permits or allows such dog or dogs:

- A. To annoy or disturb a neighbor or other person living within his immediate vicinity by continued or frequently interrupted barking or howling; and
- B. Such barking or howling continues for a period of time that it is reasonable to conclude that it is annoying or disturbing to such neighbor or person claiming same; then;
- C. It shall be deemed that the person who owns, keeps, harbors or possesses such dog or dogs is in violation of this Section and shall be subject to the penalty hereinafter provided.

For the purpose of assisting a conclusion under (2) above, it shall be proper for the trier to determine that continued or frequent barking or howling during an overall period of one hour is annoying or disturbing sufficient to sustain a conviction hereunder; although the Court may use other reasonable means of determining such conclusion based on other circumstances.

The Complaint herein may be brought by:

- A. The person or persons claiming such annoyance or discomfort; or
- B. A police officer or the Animal Control Officer who has direct knowledge or upon information and belief.

Sec. 5.2-2. PENALTY.

Any person who shall violate any provision of this Article shall, upon conviction in the Municipal Court, be subject to a fine not to exceed One Hundred (\$100.00) Dollars for the first offense and not to exceed Two Hundred (\$200.00) Dollars for any subsequent offense; or imprisonment in the County Jail not to exceed five (5) days for the first offense and not to exceed ten (10) days for any subsequent offense; or both, in the discretion of the Court.

ARTICLE 3

VICIOUS OR POTENTIALLY DANGEROUS DOGS

Sec. 5.3-1 Definitions:

As used in this section.

- A. Animal Control Officer shall mean a certified municipal animal control officer or, in the absence of such an officer, the Chief of Police or their designee.
- B. Department shall mean the Department of Health
- C. Dog shall mean any dog or dog hybrid.
- D. Domestic animal shall mean any cat, dog or livestock other than poultry.
- E. Potentially dangerous dog shall mean any dog or dog hybrid declared potentially dangerous by a Municipal Court.
- F. Vicious dog shall mean any dog or dog hybrid declared vicious by a Municipal Court.

Sec. 5.3-2 Seizure and Impoundment of Dog by Animal Control Officer; Grounds

Any Animal Control Officer shall seize and impound a dog when the officer has reasonable cause to believe that the dog:

- A. Attacked a person and caused death or serious bodily injury (as defined in NJSA 2C:11-1(b)) to that person;
- B. Caused bodily injury (as defined in NJSA 2C:11-1(a)) to a person during an unprovoked attack and poses a serious threat of harm to persons or domestic animals;
- C. Engaged in dog-fighting activities as defined by NJSA 4:22-24 and 26;
- D. Has been trained, tormented, badgered, baited or encouraged to engage in unprovoked attacks upon persons or domestic animals.

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 Township Health Officer, the dog may be impounded in a facility or other structure agreeable to the owner.

Sec. 5.3-3 Notice of Seizure and Impoundment; Determination of Identity of Owner; Notice of Hearing; Return of Statement of Owner; Destruction of Dog.

The Animal Control Officer shall notify the Municipal Court and the Township Health Officer immediately that he has seized and impounded a dog, 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 Officers shall, through a reasonable effort, attempt to determine the identity of the owner of any dog seized and impounded. If its owner cannot be identified in seven (7) days, that dog may be humanely destroyed.

The Animal Control Officer shall, within three (3) working days of the determination of the identity of the owner of a dog seized and impounded, 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 (7) 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 (7) days of receipt, the dog may be humanely destroyed.

Sec. 5.3-4 Agreement Between Township and Dog Owner; Settlement and Disposition; Liability of Township; Legal Expenses.

Notwithstanding any statutory or municipal provision to the contrary, the Township and the owner of the dog may settle and dispose of the matter at any time in such manner and according to such terms and conditions as may be mutually agreed upon. Notwithstanding any provision of PL 1989, c.307 to the contrary, no municipality or any of its employees shall have any liability by virtue of having entered into any settlement agreement pursuant to this section, or for any action or inaction related to the entry into such agreement, for any injuries or damages caused thereafter by the dog. The Township may, as condition of the settlement agreement, also require that the owner of the dog hold the Township harmless for any legal expenses or fees the Township may incur in defending against any cause of action brought against the town notwithstanding the prohibition against such causes of action set forth in this section.

Sec. 5.3-5 Finding to Declare Dog Vicious; Grounds.

In the event of an allegation of the existence of a “Vicious” Dog, the Court is directed to N.J.S. 4:19-22 and to make findings in accordance with that statute.

Sec. 5.3-6 Finding to Declare Dog Potentially Dangerous

In the event of an allegation of the existence of a “Potentially Dangerous” Dog, the Court is directed to N.J.S. 4:19-23 and to make findings in accordance with that statute.

Sec. 5.3-7 Order and Schedule for Compliance for Potentially Dangerous Dog; Conditions.

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 their own expense, for a special municipal Potentially Dangerous Dog License, municipal registration number and red identification tag issued. The owner shall, at his/her 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 of on their premises warning that a potentially dangerous dog is on the premises. The sign shall be visible and legible from fifty (50) feet of the enclosure required pursuant to paragraph 3 of this subsection;
 - 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 within a fence of at least six (6) feet in height separated by at least three (3) feet from the confined area. The owner of a potentially dangerous dog shall securely lock (combination or key 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 radius of no more than three (3) feet from the owner and under the direct supervision of the owner;

- B. May require the owner 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 homeowners' policy, shall contain a provision requiring the Township 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.

Sec. 5.3-8 Liability of Owner for Costs of Impoundment and Destruction

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 to the Township 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 Township pound, regardless of whether the dog is ultimately found to be vicious or potentially dangerous.

Sec. 5.3-9 Right to Convene Hearing for Subsequent Actions of Dog

Even if a dog is found to be 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.

Sec. 5.3-10 Duties of Owner of Potentially Dangerous Dog

The owner of a potentially dangerous dog shall:

- A. Comply with the provisions of this section, in accordance with a schedule established by the Municipal Court, but in no case more than sixty (60) days subsequent to the date of determination.
- B. Notify the Township, the local 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;
- C. Notify the Township, local Police Department, and the Animal Control Officer within twenty-four (24) hours of the death, sale or donation of a potentially dangerous dog;
- D. Prior to selling or donating the dog, inform the prospective owner that the dog has been declared potentially dangerous;

- E. Upon the sale or donation of the dog to a person residing in a different municipality, notify the department and licensing authority, Police Department or force, and Animal Control Officer of that municipality of the transfer of ownership and the name, address, and telephone number of the new owner; and
- F. In addition to any license fee required pursuant to this Chapter, pay a Potentially Dangerous Dog License fee to the town.

Sec. 5.3-11 Violations by Owner; Penalties; Enforcement; Seizure and Impoundment of Dog; Destruction by Order of Court.

The owner of a potentially dangerous dog who is found by clear and convincing evidence to have violation this Article or any related statute, rule or regulation, or to have failed to comply with a court's order shall be subject to a fine of not more than one thousand (\$1,000) dollars per day of 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. The Animal Control Officer is authorized to seize and impound any potentially dangerous dog whose owner fails to comply with the provisions of this section, or any related statute, rule or regulation, or a court's order. The Municipal Court may order that the dog is seized and impounded and be destroyed in an expeditious and humane manner.

Sec. 5.3-12 Inspection to Determine Continuing Compliance

The Animal Control Officer shall inspect the enclosure and the owner's property at least monthly to determine continuing compliance with subsection 5.3-7 A 3.

Sec. 5.3-13 Fee for License for Potentially Dangerous Dogs

The annual license and registration fee for a Potentially Dangerous Dog is five hundred (\$500) dollars each.

ARTICLE 4. REGISTRATION OF DOGS

Sec. 5.4-1. REGISTRATION; FEES.

In addition to any other fee required, the owner of any dog required to be licensed in this Township, in accordance with law, shall pay an annual dog license fee as follows:

	<u>Spayed & Neutered Dogs</u>	<u>Non-Spayed & Non Neutered Dogs</u>
Annual dog license fee	\$10.00	\$14.00

The cost for a duplicate registration tag to replace a previously issued tag shall be the sum of One Dollar (\$1.00). The licensing period shall begin on January 1 or each year and end on December 31 of that year. No license shall be granted for a period exceeding one (1) year, and no license shall be transferrable.

Owners may have a microchip implanted for identification purposes only. (A collar and tag are mandatory.) Any microchip provided for in this Ordinance shall be implanted only by a licensed veterinarian.

Sec. 5.4-2 LATE FEE

A late fee of Five Dollars (\$5.00) shall be charged for any payment made after the last day of March in each year for the license required by this Ordinance.

Sec. 5.4-3 ANNUAL CENSUS

The Animal Control Officer, or other designated by the Township Committee of the Township of Pennsville, shall bi-annually cause a census to be made of all dogs owned, kept or harbored within the limits of the Township of Pennsville. A report shall be submitted to the office in charge of licensing setting forth the name and address of each person who shall own a dog, and as to each person the list shall include the number of licensed dogs with their respective registration numbers, together with a complete description of same.

ARTICLE 5. OTHER FEES

Sec. 5.5-1. SPECIFIED FEES.

The owner or keeper of any animal requiring the following services to be rendered by the animal warden, whether the same are requested by or imposed upon such owner or keeper, shall be as follows:

A.	For each dog or cat picked up	\$8.00
B.	First day impoundment if dog or cat is picked up as a result of a complaint	4.00
C.	Each subsequent days of impoundment	4.00
D.	Euthanization of dog or cat picked up by The Animal Control Officer or turned over to the pound	25.00 + 5.00 pick up fee
E.	Picking up dead cat	10.00
F.	Picking up dead dog	40.00
G.	Microchip	10.00

All fees shall be paid directly to the Animal Control Officer who shall, upon payment, issue a receipt from a sequentially numbered pre-printed book, with a copy of the receipt, along with the animal warden's monthly report, to be turned over to the Township's Chief Financial Officer for appropriate disposition.

ARTICLE 6 **REGISTRATION OF CATS**

Sec. 5.6-1. **Purpose.**

The purpose of this chapter is to provide reasonable regulations for the control, care and maintenance of cats in the Township of Pennsville. It is recognized by the Mayor and members of the Township Committee that cats are generally excellent pets, but they can become a nuisance if not properly controlled. This Article is not intended to impair, restrict, nor otherwise interfere with the relationship that exists between owners and their pets; however, it is necessary that these owners exercise responsibility in the care and maintenance of their animals so that other residents in the Township of Pennsville are not unreasonably inconvenienced.

Sec. 5.6-2. **Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

ABANDONED CAT - A cat of any age which shall be left unattended, unclaimed, unlicensed or at large for a period of seventy-two (72) hours or more.

CAT - Any animal of a feline species.

OWNER - Every person having a property right in a cat and every person keeping, harboring or feeding a cat for more than fourteen (14) days. This provision shall not include a person who keeps or feeds a cat on behalf of an owner at the owner's request to accommodate the owner's temporary needs.

HOUSEHOLD - The person or persons who live in one house, apartment, or housing unit.

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

PUBLIC NUISANCE - A cat that causes damage to public or private property or causes harm to any person.

STRAY CAT - A cat having no known owner or custodian.

Sec. 5.6-3. Licensing and vaccination requirements; exemptions.

- A. License requirements: No person shall own, keep, harbor or maintain any cat over seven (7) months of age within the Township of Pennsville, unless such cat is licensed. The provisions of this section do not apply to cats held by a state or federal licensed research facility, a veterinary establishment, or a licensed animal shelter, pound, kennel or pet shop. No cat may be licensed without proof of vaccination as detailed below.
- B. Vaccination. All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the recommendations for immunization published by the National Association of State Public Health Veterinarians, except as provided in Subsection C.
- C. Exemptions: Any cat may be exempted from vaccination requirements for a specified period by the Local Board of Health upon presentation of a veterinarian's certificate stating that because of an infirmity or other physical condition, the inoculation of such cat is not medically appropriate.

Sec. 5.6-4. Issuance of license: fees, registration tag.

- A. All cat licenses shall be issued by the licensing department or such other person as may be designated by the Mayor and members of the Township Committee of the Township of Pennsville. All licenses shall be issued with a registration number, and a record of such issuance shall be maintained. A license may only be issued after a completed application is received along with all required fees. The licensing fee shall be ten dollars (\$10.00). A registration tag shall be issued, which shall be attached to a collar to be worn by the individual cat for whom the license was issued whenever such cat shall be outdoors. Owners may have a microchip implanted for Identification purposes only. (A collar and tag are mandatory.) Any microchip provided for in this Ordinance shall be implanted only by a licensed veterinarian. The licensing period shall begin on January 1 of each year and end on December 31 of that year. No license shall be granted for a period exceeding one (1) year and no license shall be transferable.
- B. There shall be a surcharge of thirty (\$30.00) dollars for any cat which has not been spayed or neutered, except as provided in Subsection C. Any person who presents a certificate signed by a licensed veterinarian stating that the cat has been spayed or neutered shall be exempt from said surcharge and, thereafter for each annual renewal.

- C. Exemptions: Any cat may be exempted from neuter/spay surcharge for a specified period upon presentation of a veterinarian's certificate stating that because of an infirmity or other physical condition, the neutering/spaying of such cat is not medically appropriate.

Sec. 5.6-5. License application.

- A. The owner of any cat of at least seven (7) months of age shall obtain a license tag for such cat and cause the tag to be readily displayed upon the cat within ten (10) days, or provide certification that said cat has been tattooed or had a microchip implanted for identification purposes. The provisions of this section shall not apply to nonresident cat owners of any cat brought to the Township for the purpose of veterinary treatment or exhibition in a cat show.
- B. Any person seeking a license shall complete an application form to be supplied by the licensing department. The completed license application shall set forth the particular cat's breed, sex, age, color, markings and whether or not it is of the long-haired or short-haired variety. The application shall also set forth the name, street and post office address of the owner and/or the person who shall keep or harbor the cat. The application and the registration number issued for the cat shall be preserved for a period of one (1) year by the licensing department or other local official designated to license cats in the Township of Pennsville.
- C. A late fee of five dollars (\$5.00) shall be charged for any payment made after the last day of March in each year for the license required by this Code.
- D. Any person owning, maintaining or harboring a cat or cats shall produce licensing proof whenever requested by a health official, police officer, animal control officer or other person officially authorized by the Township Committee of the Township of Pennsville.

Sec. 5.6-6. Maintenance and abandonment.

No cat shall be sheltered, maintained or harbored that is not domesticated. The area where cats are kept shall be clean and sanitary and shall not create a disturbance by reason of noise, odor or other causes. No person shall abandon any cat or permit a cat in his custody to become a stray.

Sec. 5.6-7. Damage to persons or property.

No cat shall cause damage to any person or property. Any person who owns, maintains or harbors any cat that causes such damage shall be strictly liable for the damage and may be prosecuted for a violation of this chapter.

Sec. 5.6-8. Annual census.

The dog warden or other official designated by the Township Committee of the Township of Pennsville shall promptly, after March 31, 2006 and bi-annually thereafter, cause a census to be made of all cats owned, kept or harbored within the limits of the Township of Pennsville. A report shall be submitted to the office in charge of licensing setting forth the name and address of each who shall own a cat, and as to each person the list shall include the following information: the number of licensed cats with their respective registration numbers, and the number of unlicensed cats, together with a complete description of the same.

Sec. 5.6-9. Violations and penalties.

Any person who violates a provision of this Ordinance shall, upon conviction in the Municipal Court, be subject to a fine not to exceed one hundred dollars (\$100.00) for the first offense, a fine not to exceed two hundred dollars (\$200.00) for any subsequent offense, or imprisonment in the county jail not to exceed five (5) days for the first offense and not to exceed ten (10) days for any subsequent offense, or both, in the discretion of the court.

ARTICLE 7. ANIMAL KENNELS, PET SHOPS, SHELTERS AND POUNDS

Sec. 5.7-1. LICENSE

Any person who keeps, operates or proposed to establish a kennel, pet shop, shelter or pound shall apply to the Township Clerk or his or her designated representative for a license entitling such person to keep or operate such establishment. The application shall describe the premises where the establishment is located or is proposed to be located, and the purpose or purposes for which it is to be maintained, and shall be accompanied by a written approval of the Township Animal Control Officer, and the Township Health Officer, showing compliance with local and state rules and regulations governing location and sanitation of such establishments and an approved zoning permit from the Township Zoning Officer showing compliance with Township zoning requirements. 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 30th day of June each year and shall be subject to revocation by the Township on recommendation of the State Department of Health or the local Board of Health for failing to comply with the rules and regulations of the State Department or Local board. Any person holding such license shall not be required to secure individual licenses for dogs, cats or other animals owned by such licensee and kept at such establishments. Such licenses shall not be transferable to another owner or different premises.

Sec. 5.7-2 SPECIAL PERMITS

In addition to individual dog or cat licenses, any person who shall own, maintain, keep or harbor more than six but no more than two but not more than five dogs and more than two but not more than five cats within the limits of Pennsville Township shall apply in writing to the Township Animal Control Officer for an annual special permit to own, maintain, keep or harbor the same and shall pay an application fee of \$25 which shall be paid on or before the 31st day of January each year. The Township Animal Control Officer shall make an investigation of each application. Such permit shall not be transferable. Appeals to the Board of Health may be taken by any interested party affected by any decision of the Township Animal Control Officer based on or made in the enforcement of this section.

Sec. 5.7-3 LICENSE FEES FOR KENNELS AND PET SHOPS

The annual license fee for a kennel providing accommodations for ten dogs and/or ten cats or less shall be \$10.00 per year, and for more than ten dogs and/or cats \$25.00 per year. The annual license fee for a pet shop shall be \$10.00 per year. No fee shall be charged for a shelter or pound.

Sec. 5.7-4 REGULATIONS

A. No animal kept in a pet shop, kennel, shelter or pound shall be permitted off such premises, except on a leash or in a create or other device designed to contain an animal or under other safe control.

B. All buildings shall be completely soundproofed so that the noise of animals cannot be heard outside.

C. Animals shall not be allowed outside between the hours of 9:00 pm and 6:00 am.

D. A six-ft high chain link fence shall enclose the entire perimeter of the premises in question.

E. A double staggered row of five-ft high evergreens shall be located around the perimeter of the premises in question.

F. Housing areas for animals shall be heated and air conditioned.

G. There shall not be any pet cemeteries, disposal, burial or cremation of animals on the premises in question.

H. No animals shall be kept in any building or outdoor area that is within 500 feet of any residence, except that of the owner or operator.

I. Any premises so used, and all buildings and enclosures thereon, shall be kept clean and sanitary. All animal carcasses shall be immediately and properly disposed of and shall not be buried within the Township of Pennsville limits. Any health officer or police officer of the Township shall have the right, at any reasonable hour, to enter into such premises and any buildings and enclosures thereon and to make such examination thereof as he/she shall deem proper.

Sec. 5.7-5 SPECIAL PERMIT INVESTIGATION AND REVOCATION

The spirit and intent of this Article is that permits be issued only to persons responsible for the control of dogs, cats or other animals if the public interest and welfare of the dogs is not jeopardized. Therefore, the Township Animal Control Officer shall make an investigation of the application for a special permit and shall take the following into consideration:

- A. Information indicating whether the applicant or any person connected with the application has ever been convicted of any crime or violation of any federal, state or local law.
- B. The location of the premises and its character and relationship to the surrounding neighborhood.
- C. The lot area, street frontage, lot depth, and other physical characteristics of the premises.
- D. The location on the premises where the animals will be kept, if any.
- E. The location of adjacent dwellings and/or other structures.
- F. Information indicating whether the issuance of the permit would produce or be likely to produce a condition which may be rendered unsightly in appearance and does not promote the public health, safety, morals and general welfare.
- G. Any other information that may be deemed reasonable and necessary in order to carry out the spirit and intent of this Article.

The special permit is revocable by the Township Animal Control Officer upon conviction of the owner in a court of recognized jurisdiction for cruelty to animals, the animals constituting a public nuisance, or the animals posing a health hazard. Upon such revocation the owner shall dispose of all animals covered in such court action within ten calendar days of the date of revocation or other such time deemed appropriate.

Sec. 5.7-6 DISPOSITION OF FEES AND OTHER REVENUES

License fees and other moneys collected or received under the provisions of this section shall be forwarded to the Treasurer of the Township of Pennsville within ten (10) days after collection or receipt and shall be placed in a special account separate from any of the other accounts of the Township, which funds shall be used for the following purposes only: for collecting, keeping and disposing of animals liable to seizure under this section; for local prevention and control of rabies; and for providing anti-rabid treatment under the direction of the local Board of Health for any person known or suspected to have been exposed to rabies. 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 the third fiscal year following, and at the end of each fiscal year thereafter, there shall be transferred from such special account during the last two (2) fiscal years next preceding.

Sec. 5.7-7 EXEMPTION

The Township of Pennsville shall be exempt from any fees required by this Section.

Sec. 5.7-8 VIOLATION PENALTIES

Any person, firm or corporation violating any provision of this Article shall, upon conviction, be subject to a fine not exceeding \$1,000, a term of imprisonment not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination thereof.

ARTICLE 8 **ANIMAL CONTROL OFFICER AND DEPUTY ANIMAL CONTROL OFFICERS**

Sec. 5.8-1 **ESTABLISHMENT**

The positions of Township of Pennsville Animal Control Officer and Deputy Animal Control Officer are hereby established.

Sec. 5.8-2 **APPOINTMENT**

The positions of Township of Pennsville Animal Control Officer and Deputy Animal Control Officer shall be filled by duly appointed resolution of the Township Committee of the Township of Pennsville which may be adopted from time to time.

Sec. 5.8-3 **DUTIES**

- A. Animal Control Officer: The duties of the Township of Pennsville Animal Control Officer shall be prescribed by resolution adopted by the Township Committee of the Township of Pennsville.

- B. Deputy Animal Control Officer: The duties of the Deputy Animal Control Officer shall be prescribed by resolution adopted by the Township Committee of the Township of Pennsville

Sec. 5.8-4 **TERM**

- A. Animal Control Officer: The term of the Township's Animal Control Officer shall be three years.

- B. Deputy Animal Control Officer: The term of the Township's Deputy Animal Control Officer shall be for two years.

Sec. 5.8-5 **SALARY**

The Township's Animal Control Officer shall be paid in accordance with the Township's salary ordinance. The Deputy Animal Control Officer shall work on a voluntary basis; however, when the Deputy Animal Control Officer covers the position of Animal Control Officer when that person is on vacation, then the Deputy shall be paid in accordance with the Township's salary ordinance.

ARTICLE 9 **ANIMAL WASTE**

Sec. 5.9-1 **Purpose**

An ordinance to establish requirements for the proper disposal of pet solid waste in the Township of Pennsville, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

Sec. 5.9-2 **Definitions**

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of the State subject to municipal jurisdiction.
- d. Pet- a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement.
- f. Proper disposal – placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

Sec. 5.9-3 **Requirement for Disposal**

All pet owners and keepers are required to immediately and properly dispose of their pet’s solid waste deposited on any property, public or private, not owned or possessed by that person.

Sec. 5.9-4 **Exemptions**

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

Sec. 5.9-5 Enforcement

The provision of this article shall be enforced by the Township of Pennsville Animal Control Officer and Police Department.

ARTICLE 10

RULES AND REGULATIONS

The Township Committee is hereby authorized to adopt, and from time to time amend as necessary, Rules and Regulations for the management of the Township's Animal Shelter.