

TOWNSHIP OF DELAWARE
COUNTY OF HUNTERDON
BOARD OF HEALTH
ORDINANCE # 2016-01 BH

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE CONCERNING DOGS, THE LICENSING AND CONTROLLING OF SAME, IN THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF" #1992-15, #2000-9BH, #2001-05BH, #2005-26BH, #2009-09BH; 2012-10BH

BE IT ORDAINED, by the Board of Health of the Township of Delaware, in Hunterdon County, State of New Jersey, that Ordinance #1992-15 entitled, "An Ordinance to Regulate Dogs and Cats in Delaware Township, Including Licensing and/or Registration," which has previously been amended by Ordinances #2000-9BH, #2001-05BH, #2005-26BH, #2009-09BH, and #2012-10B, is hereby amended, supplemented and revised as follows:

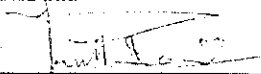
Section 1. Section 5(c) is amended to provide that the person applying for the license and registration tag shall pay a fee of **\$11.00** for each spayed/neutered dog; and that the person applying for the license and registration tag shall pay a fee **\$14.00** for each unspayed/unneutered dog.

Section 2. Section 5(e) is amended to provide that a fee of **\$10.00** per cat/household will be collected for each certificate.

Section 3. If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held or adjudged to be unconstitutional or invalid, such adjudication shall not affect the remainder hereof.

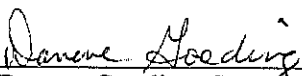
Section 4. This Ordinance shall take effect upon its passage and publication, and in accordance with N.J.S.A. 26:3-69.

BY ORDER OF THE DELAWARE TOWNSHIP BOARD OF
HEALTH



Jorge H. Berkowitz, Ph.D., Chairman

ATTEST:



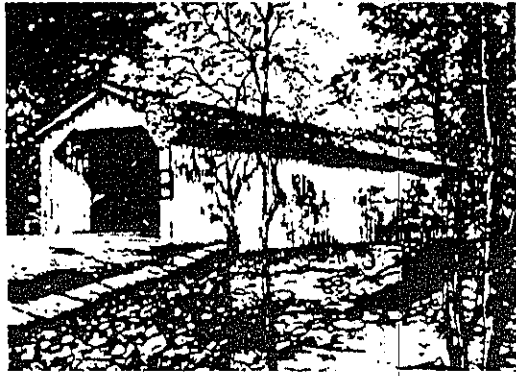
Danene Gooding, Secretary

May 2, 2016

Published 5/5/16

Adopted:

PLEASE TAKE NOTICE that the Delaware Township Board of Health approved the above ordinance on first reading at its Regular Meeting held on May 2, 2016. It will be considered on second reading for final adoption and will have a public hearing at a Regular Meeting beginning at 7:30 p.m. on June 6, 2016 at the Delaware Township Hall, 570 Rosemont Ringoes Rd. (Rt. 604), Sergeantsville, NJ. At that time an opportunity will be given for all interested citizens to be heard.



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Hunterdon County, New Jersey

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OFFICE OF BOARD OF HEALTH

PO BOX 500
TOWNSHIP HALL
SERGEANTSVILLE, NJ 08557
(609) 397-3240, Ext. 202
Direct FAX Number (609) 397-4893

TOWNSHIP OF DELAWARE
COUNTY OF HUNTERDON
BOARD OF HEALTH
ORDINANCE #2012-10 BH

AN ORDINANCE OF THE BOARD OF HEALTH OF THE TOWNSHIP OF DELAWARE AMENDING AND SUPPLEMENTING THE "REVISED GENERAL ORDINANCES OF THE BOARD OF HEALTH OF THE TOWNSHIP OF DELAWARE, 1992" TO REGULATE THE NUMBER OF DOGS THAT HOUSEHOLDS IN DELAWARE TOWNSHIP MAY KEEP. #2012-10BH

WHEREAS, pursuant to N.J.S.A. 26:3-31, boards of health have the power to pass ordinances in regard to the public health "to regulate, control, or prohibit the keeping or slaughtering of animals;" and

WHEREAS, the Board of Health has determined there may exist a direct correlation between the number of dogs per household and issues of waste management and elimination, which impacts the transmission of diseases among animals and people; and

WHEREAS, in considering the adoption of the ordinance, the Board of Health has recognized potential environmental concerns and the introduction through storm water runoff or intrusion into the ground water of fecal waste, phosphates and nitrates; and

WHEREAS, the Board of Health has considered public health nuisances including but not limited to: noise and odor and the impact of vectors including rodents and insects and bacteria and viral pathogens which could be related to the number of dogs maintained per household; and

WHEREAS, the health, safety and welfare of dogs and the proper maintenance and care of dogs by households, including but not limited to: boarding, registration, inoculation, waste management and removal and licensing are advanced by the adoption of an ordinance establishing limitations on the number of dogs that may be maintained by households located in the Township; and

WHEREAS, the Delaware Township Board of Health finds that it is in the best interest of public health, safety and welfare to establish a limitation on the number of dogs that may be maintained by households located in the Township.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Health of the Township of Delaware, County of Hunterdon and State of New Jersey that the "Revised General Ordinances of the Board of Health of the Township of Delaware, 1992" are amended by the adoption of a new Chapter IX entitled "Regulations on the Keeping of Dogs" to read as follows:

Section 1. Chapter BH:IX and its subsections are hereby created as follows:

BH:9 CHAPTER BH:IX REGULATIONS ON THE KEEPING OF DOGS

BH:9-1 DEFINITIONS. As used in this section:

- a. "Dog" shall mean any dog, bitch, spayed bitch or neutered male.
- b. "Board" or "Boarding" shall mean the act of providing food and/or shelter to dogs or cats, regardless of whether it involves an overnight stay, for a fee, at the request of the owner or caretaker.
- c. "Facility" shall mean any kennel, pet shop, shelter or pound as said terms are defined by N.J.S.A. 4:19-15.1.
- d. "Household" shall mean any owner, resident or occupant of a building improvement or of real property within the Township including anyone having a right of occupancy as a tenant, caretaker or other interest evidencing right of possession or control.
- e. Consistent with N.J.S.A. 4:19-15.1, "Kennel" shall mean any establishment wherein or whereupon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.
- f. "Kept" shall mean having a right of ownership, custody, care and/or control.
- g. Consistent with N.J.S.A. 4:19-15.1, "Pet Shop": means any place of business which is not part of a kennel, wherein animals, including, but not limited to: dogs, cats, birds, fish, reptiles, rabbits, hamsters or gerbils, are kept or displayed chiefly for the purpose of sale to individuals for personal appreciation and companionship rather than for business or research purposes.
- h. Consistent with N.J.S.A. 4:19-15.1, "Pound" means any establishment for the confinement of dogs or other animals seized either under the provisions of N.J.S.A. 4:19-15.1 or otherwise.

i. Consistent with N.J.S.A. 4:19-15.1, "Shelter" means any establishment where dogs or other animals are received, housed and distributed.

BH-9-2 MAXIMUM NUMBER OF DOGS PER HOUSEHOLD

a. Effective thirty (30) days after the date the ordinance is adopted on second (2nd) reading, the maximum number of intact dogs allowed per household shall be six (6) over the age of seven (7) months and not more than a total combined number of intact and/or spayed or neutered dogs of ten (10) dogs per household. Said animals must be licensed and any combination in excess of the maximum shall be prohibited and may not be harbored, sheltered or kept by a household. This restriction shall not apply to properly licensed kennels, pet shops, pounds and shelters operating in conformity with all State, County and local statutes, codes, rules, and regulations, including, without limitation, applicable zoning approvals and improvements. An approved kennel or facility must pay the annual licensing fee prescribed by the Township.

b. Exceptions: Litters of Pups.

The maximum number of intact dogs per household imposed by this section shall not apply to litters of pups sheltered for a period of six (6) calendar months from the date of birth. No household may shelter more than two (2) litters of pups per intact female within a consecutive twenty-four (24) month period. This restriction shall not apply to properly licensed kennels, pet shops, pounds and shelters operating in conformity with all State, County and local statutes codes, rules and regulations, including, without limitation, applicable zoning requirements.

c. Grandfather Provision.


Notwithstanding the terms and provisions of this ordinance and the restrictions recited herein, a household possessing more than six (6) intact dogs and/or more than a total combined number of intact and/or spayed or neutered dogs of ten (10) dogs per household as of the effective date of this ordinance, shall be permitted to keep and maintain all of said dogs as long as all such dogs are properly licensed on December 5, 2012. Any household shall be entitled to maintain the presently existing number of dogs greater than the number permitted by this ordinance until such dog(s) die or are otherwise transferred out of the household's possession or for a period not to exceed twelve (12) years from the effective date of this ordinance whichever event is later. When one of the number of dogs in excess of the number permitted by this ordinance shall die or be transferred out of the household's possession, custody or control, such animal(s) may not be replaced unless and until the number of dogs owned, possessed, kept or harbored by said household is in compliance with subsection 6(c) of this ordinance. Households maintaining more than six (6) intact dogs under this grandfathering provision are subject to inspection to ensure the health and welfare of the animals and the household are maintained. Inspections shall be scheduled and undertaken by the Township Animal Control Officer as reasonably necessary, to enforce the terms and provisions of this ordinance. An application, on forms prescribed by the Board of Health, for a determination whether a household is subject to being grandfathered shall be submitted for review and approved by the Board of Health.

Section 2. Severability. If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held or adjudged to be unconstitutional or invalid, such adjudication shall not affect the remainder hereof.

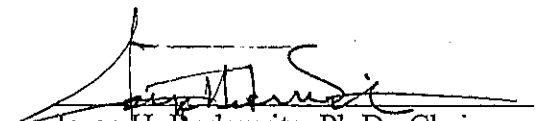
Section 3. Repealer. All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed.

Section 4. Effective Date. Except as otherwise herein provided, this ordinance shall take effect upon passage and thirty (30) days following its initial publication, as set forth in N.J.S.A. 26:3-69.

ATTEST:



Danene Gooding, Secretary
November 15, 2012
Published 11/21/12
Adopted:



Jorge H. Berkowitz, Ph.D., Chairman

PLEASE TAKE NOTICE that the Delaware Township Board of Health approved the above ordinance on first reading at its Regular Meeting held on November 15, 2012. It will be considered on second reading for final adoption and will have a public hearing at a Regular Meeting beginning at 7:30 p.m. on December 3, 2012 at the Delaware Township Municipal Bldg., 570 Rosemont Ringoes Rd. (County Rt. 604), Sergeantsville, NJ. At that time an opportunity will be given for all interested citizens to be heard.

TOWNSHIP OF DELAWARE
COUNTY OF HUNTERDON
BOARD OF HEALTH
ORDINANCE # 2009-09 BH

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE CONCERNING DOGS, THE LICENSING AND CONTROLLING OF SAME, IN THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF" #1992-15, #2000-9BH, #2001-05BH, #2005-26BH

BE IT ORDAINED, by the Board of Health of the Township of Delaware, in Hunterdon County, State of New Jersey, that the Ordinance to Regulate Dogs and Cats in Delaware Township is hereby amended, supplemented and revised as follows:

Section 1. The following subsection (f) is hereby added to Section 5:


Section 5. (f) The Board of Health reserves the right to suspend the \$30.00 late fee per dog and cat and instead charge a \$30.00 late fee per household.

Section 2. This Ordinance is retroactive to January 1, 2009 and will expire December 31, 2009.

Section 3. If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held or adjudged to be unconstitutional or invalid, such adjudication shall not affect the remainder hereof.

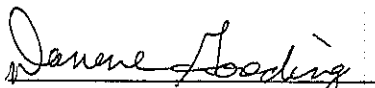
Section 4. This Ordinance shall take effect immediately upon its passage and publication, as required by law.

BY ORDER OF THE DELAWARE TOWNSHIP
BOARD OF HEALTH



Jorge H. Berkowitz, Ph.D., Chairman

ATTEST:



Danene Gooding, Secretary

May 4, 2009

Published 5/7/09

Adopted: 6/1/09

PLEASE TAKE NOTICE that the Delaware Township Board of Health approved the above ordinance on first reading at its Regular Meeting held on May 4, 2009. It will be considered on second reading for final adoption and will have a public hearing at a Regular Meeting beginning at 8:00 p.m. on June 1, 2009 at the Delaware Township Hall, 570 Rosemont Ringoes Rd. (Rt. 604), Sergeantsville, NJ. At that time an opportunity will be given for all interested citizens to be heard.

TOWNSHIP OF DELAWARE
ORDINANCE #2005-26BH

AN ORDINANCE TO AMEND: (1) "AN ORDINANCE CONCERNING DOGS,
THE LICENSING AND CONTROLLING OF SAME, IN THE TOWNSHIP OF
DELAWARE, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY,
AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF"
(#1992-15, #2000-9BH, #2001-05BH) #2005-26BH

BE IT ORDAINED by the Board of Health of the Township of Delaware, County of Hunterdon, State of New Jersey that the Ordinance to Regulate Dogs and Cats in Delaware Township is hereby amended, supplemented and revised as follows:

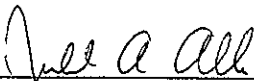
Section 1. Section 5 (c) is repealed in its entirety and replaced with the following subsection:

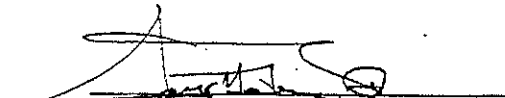
- (c) The person applying for the license and registration tag shall pay a fee of \$8.00 for each dog; \$6.80 shall be retained by the Township of Delaware for the Dog Trust Fund and \$1.20 shall be sent to the New Jersey State Board of Health for rabies control pursuant to the provisions contained in N.J.S. 4:19-15.1 et seq. and any amendments thereof. For each annual renewal the fee for the said license registration tags and renewals thereof shall expire on the last day of February in each year. Any dog owner or person harboring a dog or found to have an unlicensed dog by the Township of Delaware Animal Control Officer or any other official after March 1 shall be required to pay an additional \$30.00 delinquent fee, plus the required license fee as provided in this Ordinance for their dog license. An additional fee of \$3.00 per dog (not including Seeing Eye dogs) shall be charged by the State of New Jersey for any unsprayed or unneutered dog that is licensed. The owner of any newly acquired dog of licensing age shall make application for license and registration tag for such dog within ten (10) day after such acquisition.

Section 2. If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held or adjudged to be unconstitutional or invalid, such adjudication shall not affect the remainder hereof.

Section 3. This Ordinance shall take effect immediately upon final passage and publication thereof as provided by law.

ATTEST:


Judith A. Allen, RMC
Township Clerk
November 7, 2005
Published 11/10/05


Jorge Berkowitz, Chairman

PLEASE TAKE NOTICE that the Delaware Township Board of Health approved the above ordinance on first reading at its Regular Meeting held on November 7, 2005. It will be considered on second reading for final adoption and will have a public hearing at a Regular Meeting beginning at 7:30 p.m. on December 5, 2005, at the Delaware Township Hall, 570 Rosemont Ringoes Rd. (Rt. 604), Sergeantsville, NJ At that time an opportunity will be given for all interested citizens to be heard.

ADOPTED 12/5/05

TOWNSHIP OF DELAWARE
ORDINANCE #2001-05 BH

AN ORDINANCE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING AN ORDINANCE KNOWN AS AN ORDINANCE TO REGULATE DOGS AND CATS IN DELAWARE TOWNSHIP, INCLUDING LICENSING AND/OR REGISTRATION. (#1992-15, #2000-9BH) #2001-05BH

BE IT ORDAINED by the Board of Health of the Township of Delaware, County of Hunterdon, State of New Jersey that the Ordinance to Regulate Dogs and Cats in Delaware Township is hereby amended, supplemented and revised as follows:

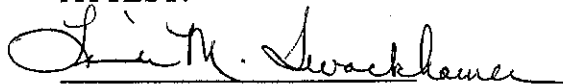
Section 1. Section 5 (c) and (e) are repealed in their entirety and replaced with the following subsections:

- (c) The person applying for the license and registration tag shall pay a fee of \$8.00 for each dog; \$6.80 shall be retained by the Township of Delaware for the Dog Trust Fund and \$1.20 shall be sent to the New Jersey State Board of Health for rabies control pursuant to the provisions contained in N.J.S. 4:19-15.1 et seq. and any amendments thereof. For each annual renewal the fee for the said license registration tags and renewals thereof shall expire on the last day of January in each year. Any dog owner or person harboring a dog or found to have an unlicensed dog by the Township of Delaware Animal Control Officer or any other official after February 1 shall be required to pay an additional \$10.00 delinquent fee, plus the required license fee as provided in this Ordinance for their dog license. An additional fee of \$3.00 per dog (not including Seeing Eye dogs) shall be charged by the State of New Jersey for any unspayed or unneutered dog that is licensed. The owner of any newly acquired dog of licensing age shall make application for license and registration tag for such dog within ten (10) days after such acquisition.
- (e) Any person who owns or maintains a cat of licensing age shall, during the month of January each year, apply for and procure from the Dog License Agent an official certificate of registration as to each cat so owned or maintained. The certificate shall set forth the date and type of vaccination and who performed same. A fee of \$7.00 will be collected for each certificate. All cats owned or maintained in a single household may be registered under a single certificate. Any cat owner found to have an unregistered cat(s) after February 1 shall be required to pay an additional \$10.00 delinquent fee, plus the required registration fee provided in this Ordinance.

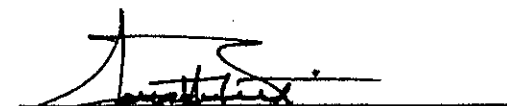
Section 2. If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held or adjudged to be unconstitutional or invalid, such adjudication shall not affect the remainder hereof.

Section 3. This Ordinance shall take effect immediately upon final passage and publication thereof as provided by law.

ATTEST:



Linda M. Swackhamer
Board Secretary
April 2, 2001


Jorge Berkowitz, Chairman

PLEASE TAKE NOTICE the above Ordinance was introduced on first reading by the Delaware Township Board of Health on April 2, 2001. It will be considered on second reading for final adoption at a Public Hearing to be held May 7, 2001 beginning at 7:30 p.m.. At that time an opportunity will be given for all interested citizens to be heard.

**TOWNSHIP OF DELAWARE
ORDINANCE #2000-9BH**

AN ORDINANCE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON AND STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING AN ORDINANCE KNOWN AS AN ORDINANCE TO REGULATE DOGS AND CATS IN DELAWARE TOWNSHIP, INCLUDING LICENSING AND/OR REGISTRATION. #1992-15

BE IT ORDAINED by the Board of Health of the Township of Delaware, County of Hunterdon, State of New Jersey that the Ordinance to Regulate Dogs and Cats in Delaware Township is hereby amended, supplemented and revised as follows:

Section 1. Section 4 (b) is repealed in its entirety and replaced with the following subsections:

- (b) A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended and approved by the Delaware Township Board of Health. All dogs and cats shall be vaccinated against rabies by a licensed veterinarian of the State of New Jersey in accordance with the latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization, published by the National Association of the Public Health Veterinarians, except as provided for in Subsection C.
- (c) Any animal may be exempted from the requirements of such vaccination for a specific period of time by the Delaware Township Board of Health, upon presentation of a veterinarian's certificate stating that because of an infirmity or other physical condition or a regimen of therapy, the vaccination of such animal shall be deemed inadvisable.

Section 2. Section 5 is supplemented as follows:

- (f) Cat registration forms shall be furnished by the Township and shall be numbered serially and shall bear the year of issuance and the name of the Township.
- (g) Proof of licensing shall be produced by any person owning, keeping, maintaining or harboring a dog or cat upon request of any health official, police officer or Animal Control Officer.
- (h)
 1. No person shall permit a dog or cat to be outside his or her property unless being led on a leash. The owner of such animal shall be responsible for removing all feces from all property other than his or her own when walking such animal
 2. No person shall permit any accumulation of animal feces to create a public health nuisance on his/her own property.
- (i) No person owning or keeping an animal shall permit such animal to become a public nuisance as defined herein.
- (j) No person shall abandon or injure any animal of any age or permit an animal to become a stray.
- (k) No person shall harbor any unlicensed or stray animal or make food or shelter available to such animal.
- (l) In the event any person, by feeding such strays, causes the need for more than four (4) animal removals by the Animal Control Officer or his designee within one month from the area near to the property on which the strays are being fed, the Animal Control Officer may seek the Board of Health to tax the costs of such removal against the property owner of such property.
- (m) There shall not be permitted more than five (5) cats of three (3) months of age or over to be kept or maintained on any residential or business property in the Township of Delaware.

For every three (3) acres, a property owner or tenant may keep one (1) additional licensed cat.

This section shall not be deemed to prevent the renewal of any license for any cat duly licensed as of the effective date of this Ordinance.

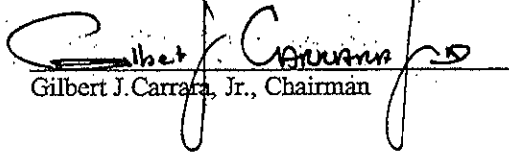
- (n) Any person who owns or keeps any animal located within the Township of Delaware shall exercise sufficient and proper care and control over such animal at all times so as to prevent the animal from becoming a public nuisance or otherwise violating this chapter.
- (o) Every owner of a licensed animal must immediately report to the Board of Health any animal showing a change in disposition or an illness suggesting that it might have rabies, or any cat that bites another animal or human. Such animal shall be tested and quarantined for a period of ten (10) days. Animals evidencing a change in disposition or an illness suggesting that it may have rabies may be required to have such animal examined by a licensed veterinarian. Any cost incurred in quarantining such animal or veterinary service examination shall be paid for by the owner of such animal.
- (p) Except as otherwise provided for in this chapter, any person who violates or who fails or refuses to comply with this chapter shall be liable to a penalty according to Section 7.
- (q) All premises on which animals governed by this ordinance are kept must be maintained in a sanitary condition. An unsanitary condition shall be deemed to exist by any agent of the Board of Health in the following circumstances:
 1. The keeping of animals above in a manner that may foster the breeding of insects or rodents or germination of bacteria or other infectious microbes.
 2. The keeping of animals above in a manner that may create foul and noxious odors as well as disturbing noises.
 3. The keeping of animals in an environment that may promote the spread of disease from animal to animal.

Section 3. Section 7 is amended as follows:

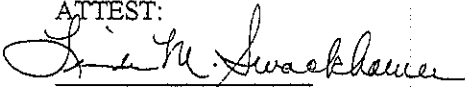
Any person violating the provisions of this Ordinance shall, upon conviction thereof, be punished by fines as specified: First offense, \$75.00 to \$250.00, Second offense, \$150.00 to \$500.00, Third offense, \$300.00 to \$1,000.00.

Section 4. If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held or adjudged to be unconstitutional or invalid, such adjudication shall not affect the remainder hereof.

Section 5. This Ordinance shall take effect immediately upon final passage and publication thereof as provided by law.


Gilbert J. Carrara, Jr., Chairman

ATTEST:


Linda M. Swackhamer
Board Secretary

PLEASE TAKE NOTICE the above Ordinance was introduced on first reading by the Delaware Township Board of Health on May 1, 2000. It will be considered on second reading for final adoption at a Public Hearing to be held June 5, 2000 beginning at 7:30 p.m.. At that time an opportunity will be given for all interested citizens to be heard.

TOWNSHIP OF DELAWARE
COUNTY OF HUNTERDON
ORDINANCE #1992-15

AN ORDINANCE TO REGULATE DOGS AND CATS IN DELAWARE
TOWNSHIP, INCLUDING LICENSING AND/OR REGISTRATION.

This ordinance supersedes (1) "An Ordinance concerning dogs, the licensing and controlling of same, in the Township of Delaware, County of Hunterdon and State of New Jersey, and providing penalties for violations thereof: (#1979-2, #1985-13, #1987-15): and (2) "An Ordinance to require the vaccination and registration of cats in the Township of Delaware" (1990-15BH).

BE IT ORDAINED by the Township Committee of the Township of Delaware, County of Hunterdon and State of New Jersey as follows:

SECTION 1: Definitions

- (a) "Animal" shall, for the purpose of this ordinance mean a dog or cat.
- (b) "Dog" shall mean any dog, bitch or spayed bitch.
- (c) "Licensing Age" shall mean any animal which has attained the age of seven (7) months or which possesses a set of permanent teeth.
- (d) "Vicious Dog" shall mean any dog as defined in this section which attacks and bites, or attempts to attack and bite, persons or other animals without being incited to do so; further, any dog displaying such fierceness or ferocity as to indicate that it is a threat to the safety of persons.
- (e) "Bite" shall mean to seize with the teeth or jaws so as to enter, nip or grip the person or animal seized; also to cut, wound, pierce or to impress deeply the person or animal seized.
- (f) "Owner" when applied to the proprietorship of a dog or cat shall include every person having a right of property or custody in such animal, and every person who has such animal in his or her keeping, or who harbors or maintains, or knowingly permits these animals to remain on or about any premises occupied by that person(s).
- (g) "Owner's Premises" shall include the building and/or the plot of land on which said building stands in which the owner of a dog or cat has a place of abode or place of business in the Township.
- (h) "Animal Control Officer" shall mean any individual or agency authorized by the Delaware Township Board of Health to enforce the provisions of this Ordinance. Further, it includes any deputy or assistant of the Animal Control Officer, or persons designated from time to time as the acting Animal Control Officer.
- (i) "Dog Nuisance" is habitual barking or crying.
- (k) "Neutered" shall mean rendered permanently incapable of reproduction as certified by a licensed veterinarian.
- (l) "Harbor" shall mean to provide with temporary quarters, shelter or refuge and to give nourishment on a temporary basis for a period which exceeds 10 days.
- (m) "Dog License Agent" shall mean an official appointed by the Township Committee of the Township of Delaware to issue animal licenses and collect the respective fees.

SECTION 2: Animal Control Officer

(a) The position of Animal Control Officer (ACO) is hereby established under the control and supervision of the Delaware Township Board of Health. The duties of the Animal Control Officer shall include the enforcement of the measures and provisions that control dogs contained in N.J.S. 4:19-1, et seq. and any amendments thereof, and the provisions of this Ordinance.

(b) It shall be the duty of the Animal Control Officer to apprehend and take into custody and impound, or cause to be taken into custody and impounded, any dog found running at large contrary to the provisions of Section 3(c), and to impound such dog in a suitable place. A complete registry of all such dogs so seized shall be made, which shall include the breed, color and sex of such dog and whether it's licensed. If licensed, the name and address of the owner and the number of the license tag shall be recorded. A copy of said registry shall be maintained by the Animal Control Officer.

(c) No person shall hurt, molest or interfere with the Animal Control Officer or anyone else authorized or empowered to perform any duty under this Ordinance.

(d) No person performing duties as Animal Control Officer shall be subject to arrest for trespassing as provided in State Statute Article 4:19-15,17 and Article 4:19-15.18.

SECTION 3: General Regulations

(a) No person shall keep within the limits of the Township of Delaware any vicious dog. Any such dog found within the limits of the Township may be seized by any police officer or by the Animal Control Officer and be impounded as hereinafter specified. However, if any dangerous or vicious dog is found "at large" and cannot be seized and impounded, such dog may be slain by any police officer or the ACO. It is further provided that when any dog determined to be vicious is taken off the owner's property it should be securely restrained, as necessary, in addition to a leash or chain.

(b) No person shall keep within the Township of Delaware any dog causing a habitual nuisance by disturbing the peace and quiet of the neighborhood in which it shall be kept, or habitual damage to private property.

(c) No owner of any dog shall permit such dog, whether running at large or upon leash, chain or lead, to be upon private property other than the premises of the owner without the consent of the owner of said private property.

(d) Any officer or agent authorized or empowered to perform any duty under this act is hereby authorized to go upon any premises to seize any dog or cat which he/she may lawfully seize and impound when such officer is in immediate pursuit of such animals. The only exception being if the animal is on the premises of the owner and said owner is present and forbids seizure.

(e) If any dog or cat seized or impounded in accordance with the provisions of this Ordinance is wearing a collar or harness having inscribed thereon, or attached thereto, the name and address of any person or registration tag of the owner, the ACO shall forthwith serve upon the owner notice that the dog has been seized and will be liable to be disposed of or destroyed if not claimed within seven (7) days after the service of this notice.

(f) When any dog or cat has been seized in accordance with the provisions of this Ordinance and has been detained for seven (7) days after such notice, 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 detention as hereinafter specified, the ACO may cause the dog to be destroyed in a manner causing as little pain as possible.

(g) A fine of \$15.00 shall be paid to the Township of Delaware as administrative expenses incurred by reason of detention, as well as all actual detention costs incurred. The charge specified herein shall be paid to the Dog License Agent and a receipt shall be delivered to the person paying such charges, which will be the authority for the ACO to release the animal to the owner of person claiming such animal.

SECTION 4: Vaccination

(a) No person shall own, keep, harbor, or maintain any dog or cat over seven months of age within Delaware Township.

unless such dog or cat is vaccinated against rabies by a licensed veterinarian. The provisions of this section do not apply to animals held by a state or federal licensed research facility, or a veterinary establishment where dogs or cats are received or kept for diagnostic, medical, surgical, or other treatments, or licensed animal shelters, pounds, kennels, or pet shops. Further, any animal may be exempted from the requirements of such vaccination for a specified period of time by the Board of Health 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 animal would be deemed inadvisable.

(b) A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended and approved by the Delaware Township Board of Health.

SECTION 5: Licensing/Registration

(a) No person shall keep or harbor within the limits of the Township of Delaware any dog without first obtaining a license to be issued by the Dog License Agent upon application by the owner and payment of the prescribed fee. No person shall keep or harbor any dog in said Township except in compliance with the provisions of this Ordinance and the provisions for the control of dogs contained in N.J.S. 4:19-15.1 et seq. and any amendments thereof.

(b) Any person who shall own or harbor any dog of licensing age within the Township of Delaware shall in the month of January, and annually thereafter, apply for and procure from the Dog License Agent a license and official registration tag for such dog so owned, kept or harbored and shall place upon each such dog so owned, a collar or harness with the registration tag securely fastened.

(c) The person applying for the license and registration tag shall pay a fee of \$7.00 for each dog; \$5.80 shall be retained by the Township of Delaware for the Dog Trust account and \$1.20 shall be sent to the New Jersey State Board of Health for rabies control pursuant to the provisions contained in N.J.S. 4:19-15.1 et seq. and any amendments thereof. For each annual renewal the fee for the license shall be the same as for the original license, and said license registration tags and renewals thereof shall expire on the last day of January in each year. Any dog owner or person harboring a dog or found to have an unlicensed dog by the Township of Delaware Animal Control Officer or any other official after February 1 shall be required to pay an additional \$10.00 delinquent fee, plus the required license fee as provided in this Ordinance for their dog license. An additional fee of \$3.00 per dog (not including seeing-eye dogs) shall be charged by the State of New Jersey for any unspayed or unneutered dog which is licensed. The owner of any newly acquired dog of licensing age shall make application for license and registration tag for such dog within ten (10) days after such acquisition.

(d) If a license tag has been misplaced or lost, the Dog License Agent may issue a duplicate license and/or registration tag for that particular dog at a fee of \$2.00.

(e) Any person who owns or maintains a cat of licensing age shall, during the month of January each year, apply for and procure from the Dog License Agent an official certificate of registration as to each cat so owned or maintained. The certificate shall set forth the date and type of vaccination and who performed same. A fee of \$5.00 will be collected for each certificate. All cats owned or maintained in a single household may be registered under a single certificate. Any cat owner found to have an unregistered cat(s) after February 1 shall be required to pay an additional \$10.00 delinquent fee, plus the required registration fee provided in this Ordinance.

SECTION 6: Kennels, Pet Shops, Shelters and Pounds

(a) Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound shall

apply to the Clerk of the Township for an Application to the Board of Adjustment for a variance. The annual license fee for such establishment providing accommodations for ten (10) or less animals shall be \$10.00 and for more than ten (10) animals shall be \$25.00.

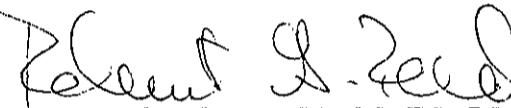
(b) Any person who fails to comply with the regulations promulgated by the Board of Health governing the sanitary conduct and operation of kennels, pet shops, shelters and pounds, to preserve sanitation therein and prevent the spread of rabies and other diseases of dogs and cats, within and from such establishments, shall be liable to a penalty.

SECTION 7: Any person violating the provisions of this Ordinance shall, upon conviction thereof, be punished by a fine as specified or determined by the Municipal Court.

SECTION 8: This Ordinance repeals any and all prior ordinances dealing with the licensing or regulations of dogs and cats in the Township and any amendments and supplements thereto.

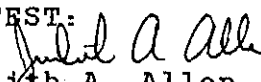
SECTION 9: If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason held or adjudged to be unconstitutional or invalid, such adjudication shall not affect the remainder hereof.

SECTION 10: This Ordinance shall take effect immediately upon final passage and publication thereof as provided by law.



Robert G. Reed, Mayor

ATTEST:


Judith A. Allen
Deputy Clerk

PLEASE TAKE NOTICE the above ordinance was adopted on first reading by the Delaware Township Committee at their Regular Meeting held on August 10, 1992. It will be considered for adoption on second reading on August 31, 1992 at Delaware Township Hall. At that time an opportunity will be given for all interested residents to be heard.