

## **ANIMALS AND FOWL**

### **CHAPTER 6.**

#### **ANIMALS AND FOWL.<sup>1</sup>**

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<sup>1</sup> As to fishing in parks, see § 16-2 of this Code.

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### **Article 1. In General.**

#### **Sec. 6-1. Domestic animals running at large.<sup>2</sup>**

No person shall allow any cow, swine or other domestic animal to graze or run at large, whether attended or not in the town. (1932 Revision, title 4, ch. 1, § 4.)

##### **Sec. 6.1.1. Animal nuisance.**

(a) No person owning, harboring, keeping or in charge of any dog, cat or other domestic animal shall cause, suffer, or allow such animal to soil, defile or defecate upon any private property without the permission of the owner of the property.

(b) Any person who causes, suffers or allows any such animal to defecate anywhere, except in an area as permitted aforesaid, shall immediately remove all feces deposited by such animal by any sanitary method.

(c) The feces so removed shall be disposed of by the person removing same in a sanitary manner approved by the board of health.

(d) Any person violating the provisions of this section shall be punished by a fine not to exceed one hundred dollars.

(G.O. No. 1270, § 1; G.O. No. 1587, § I.)

### **Article II. Dogs.<sup>3</sup>**

#### **Division 1. Generally.**

##### **Sec. 6-2. Licenses – Fees; when same to be purchased.**

The fee to be paid annually for a dog license, and each removal thereof, is hereby fixed at five dollars and eighty cents per year. This fee shall be in addition to the fee charged for registration tag for each dog as provided for by state statute. Such license shall be obtained in the month of January of each year. In the event that such license shall be obtained subsequent to the month of January for a dog which was in the possession of an owner resident in Westfield during such month of January, there shall be an additional late charge made in the amount of one dollar. (G.O. No. 596, § 1; G.O. No. 778, § 1; G.O. No. 978, § 1; G.O. No. 1044, § 1; G.O. No. 1161, § 1; G.O. No. 1322, § 1; G.O. No. 1364, § 1; G.O. No. 1540, § I.)

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<sup>2</sup> As to animals and fowl running at large in parks, see § 16-2 of this Code.

<sup>3</sup> For state law as to dogs generally, see N.J.S.A., § 4:19-1 et seq. As to requirement that dogs in parts be on leash, see § 16-8 of this Code.

**Sec. 6-3. Same – Duplicate tags.**

Duplicate dog tags shall be issued upon proof satisfactory to the town clerk of the loss of the original tag and the payment to the town clerk of fifty cents for each duplicate tag. (G.O. No. 596, § 2.)

**Sec. 6-4. Dog warden to kill dogs upon request of owner.**

If any resident of the town shall deliver to the dog warden in charge of the pound any dog owned by such resident and request the dog warden to kill such dog and pay the dog warden one dollar, the dog warden shall accept such dog and kill the same in the manner prescribed for the killing of impounded dogs and dispose of the carcass thereof. This provision is in addition to the provisions of sections 4:19-15.1 to 4:19-15.29 of the Revised Statutes, concerning the destruction of dogs. (G.O. No. 596, § 3.)

**Sec. 6.5. Leashes when dogs off premises of owner.**

No dog, whether licensed or not, shall be permitted to run at large within the town or to leave the premises of the person who owns or is entitled to the custody of such dog unless securely held by a leash not more than seven feet long in the hands of a person able to control it. No person owning, keeping or harboring a dog shall permit it to violate the foregoing provisions, nor suffer such dog to do any injury or damage to any lawn, shrubbery, flowers, grounds or property or persons other than the owner or person having the care, custody or control of such dog, nor suffer it to commit any nuisance on the lands of another. Any person owning, keeping or harboring such dog or if any provisions of this section have been violated, shall be deemed guilty of a violation thereof, and upon conviction shall be punished by a fine not exceeding fifty dollars for each offense. (G.O. No. 596, § 4; G.O. No. 834, § 1; G.O. No. 1476, § I.)

**Sec. 6-5.1. Repealed by Ordinance No. 1270.**

**Division 2. Vicious Dogs.**

**Sec. 6-6. “Vicious dog” defined.**

The term “vicious dog,” as used in this division, is hereby defined to mean and include any dog which has attacked or bitten any human being or which habitually attacks other dogs or domestic animals. (G.O. No. 596, § 5.)

**Sec. 6-7. Investigation of complaints of vicious dogs; hearing.**

It shall be the duty of the chief or acting chief of the police department to receive and investigate complaints against dogs that are alleged to be vicious. If, upon investigation, such officer shall deem any such dog to be vicious within the meaning of this section, it shall be his duty to report the facts to the municipal magistrate, who shall thereupon cause the owner of such dog or person who harbors the same, whether such dog be

licensed or not, to be notified in writing of the complaint and required to answer it at a stated time and place.

At such time and place, the municipal magistrate shall inquire into the facts giving all interested persons opportunity to be fully heard under oath, and to be represented by counsel. If, after such hearing, the municipal magistrate shall determine that the dog complained of is a vicious dog within the meaning of this section, he shall so notify the owner of such dog or the person who harbors it, and in case it shall have appeared upon the hearing that such dog has bitten a human being, he may direct that the dog shall be placed in the custody of the health officer to be impounded by him for observation under the provisions of title 26, chapter 4, article 7 of the Revised Statutes. (G.O. No. 596, § 5.)

#### **Sec. 6-8. Muzzles required.**

No dog that has been determined to be a vicious dog shall be permitted to leave the premises of the person who owns or harbors it unless it shall be securely muzzled as well as held by a leash. Any person who shall permit any such vicious dog owned, kept or harbored by him to go upon any street or public place of the town or upon any premises other than those owned or occupied by him, unless such dog shall be securely muzzled and held by a leash, shall be deemed guilty of a violation of this section, and shall immediately deliver up such dog to the dog warden to be destroyed. If such person so convicted shall fail or refuse to deliver up such vicious dog to the dog warden to be destroyed, he shall be punished by a fine of fifty dollars and the magistrate shall certify the fact of such conviction to the dog warden who is hereby authorized, upon receiving from the magistrate such certificate, to enter for that purpose upon any premises where such dog may be found and forthwith destroy such dog, any provision of this article for retaining captured dogs in the pound to the contrary in anywise notwithstanding. (G.O. No. 596, § 5.)

### **Article IIA. Cats.**

#### **Sec. 6-8.1. Licensing and vaccination required.**

Any member of the domestic feline species, whether male, female or neutered, over the age of six months, shall be vaccinated for rabies by a licensed veterinarian and shall be licensed by the Town of Westfield. The licensing authority is hereby designated as the Office of the Town Clerk of the Town of Westfield.

As a condition of licensing all such cats shall be vaccinated against rabies in accordance with the latest "Compendium of Animal Rabies Vaccines and Recommendations for Immunization"; published by the National Association of State Public Health Veterinarians.

A certificate of vaccination shall be issued by the veterinarian to the owner of each animal vaccinated on a form recommended by the State of New Jersey and shall state the period of time during which the vaccination is deemed to be effective. (G.O. No. 1560, § I.)

**Sec. 6-8.2. Licensing procedures.**

Upon presentation to the town clerk of a completed application, a certificate of vaccination, along with the necessary fee, whether in person or by mail, the town clerk shall issue a metal tag-type license for said cat bearing a code number identifying such cat which shall be affixed to or worn on a collar by the cat at all times. Such tag shall also indicate the year of expiration of the license. (G.O. No. 1560, § I.)

**Sec. 6-8.3. Expiration of the license.**

Licenses shall expire on December 31<sup>st</sup> of the year shown on the licensing tag. The licensing period shall be determined by the clerk based upon the effective period of the vaccination as shown on the certification issued by the veterinarian, and maybe one, tow or three years or part thereof. (G.O. No. 1560, § I.)

**Sec. 6-8.4. Licensing by veterinarian.**

A licensed veterinarian may upon request to the town clerk and subject to such procedures as the clerk may establish, issue a license. (G.O. No. 1560, § I.)

**Sec. 6-8.5. Application, contents, preservation and information.**

The application shall state the breed, sex, age, color and markings of the cat for which a license is sought, and whether it is a long- or short-haired variety. Such application shall also state the name, street address and post office address of the owner. The information on said application and the license number for the cat shall be preserved for a period of three years by the town clerk. (G.O. No. 1560, § I.)

**Sec. 6-8.6. License fee.**

The fee of ten dollars shall be charged for each cat for the issuance of a license and shall be for the period of time as established by the clerk based on the effective period of the vaccination. All fees collected shall be deposited in trust to defray the cost of license issuance, animal control service and prevention and control of rabies. (G.O. No. 1560, § I.)

**Sec. 6-8.7. Loss of license.**

If a license tag has been misplaced or lost, the licensing authority may issue a duplicate license tag for that particular cat for a fee of fifty cents. (G.O. No. 1560, § I.)

**Sec. 6-8.8. Offense defined.**

It shall be unlawful for any person to permit an unlicensed cat to be at large outside of a building occupied by such person. Any person who permits such cat to be at large

outside of a building shall be subject to a fine of not less than twenty-five nor more than one hundred dollars and the cat shall be subject to being picked up by the animal control authority of the municipality. In order to recover said cat, the owner shall be required to pay a fee levied by said authority, and shall also be required to have the cat vaccinated and licensed. (G.O. No. 1560, § I.)

**Sec. 6-8.9. Repealer.**

This article, unless readopted, shall terminate on December 31, 1994. (G.O. No. 1560, § I.)

**Article III. Riding Academies.**

**Sec. 6-9. License – Required.**

No person shall conduct, maintain or operate a riding academy within the town unless they shall have first obtained from the town council a license to do so. (G.O. No. 570, § 1.)

**Sec. 6-10. Same – Application; renewal.**

Application for a license required by the preceding section shall be made in writing on forms supplied by the town clerk. The application shall state the place where the riding academy is to be conducted and shall be signed by the applicant.

Upon the expiration date of the license initially issued by the town council, the license may be renewed by filing a renewal application form with the town clerk. The town clerk will request inspection of the licensed premises, operation or device by the affected departments in accordance with inspection schedules approved by the town council to assure compliance with all town codes on the part of the applicant. Violation of any section of any town code will constitute a basis of denial of the application for renewal. The town clerk shall also request a statement from the tax collector as to the tax records of the applicant. Delinquent taxes shall be noted on the application, and shall constitute a basis of denial of the application for renewal. Delinquent taxes are hereby defined as taxed due from previous years. Upon receipt of departmental records certifying that the premises, operation or device conforms with all town codes, the town clerk shall issue a renewal of the license for the term as specified. The town clerk shall file a monthly report with the town council, listing the renewal licenses issued during the month. The report shall specify the following:

1. The type of license.
2. Licensee.
3. Address of licensee.
4. The amount of fees received.

The town clerk shall also file a monthly report with the town council, listing the applications for renewal licenses which have been denied and the basis for the denial. (G.O. No. 570, § 2; G.O. No. 943, § 1.)

**Sec. 6-11. Same – Term; fee; expiration date; nontransferable.**

The license fee for a license required by this article shall be twenty-five dollars for one year or part thereof, which fee shall be paid when the application is filed. Every license shall expire on the thirty-first day of December of the year in which it is granted and shall not be transferable either as to the licensee or the place of business. (G.O. No. 570, § 3.)

**Sec. 6-12. Hearing on license applications; notice to neighboring property owners.**

Upon the filing of an application for a license under this article, the town council shall fix a time for the hearing of all persons interested, and shall cause notice of the filing of the application, specifying the location for which the license is sought, and of the time and place of such hearing to be published in the official newspaper of the town at least ten days prior to the time appointed for the hearing. The applicant shall, at least ten days prior to the date of hearing, give like notice to all property owners within five hundred feet of the property for which the license is sought. Such notice shall be given either by handing a copy thereof to the property owners or by leaving a copy thereof at the usual place of abode of each with a member of the family above the age of fourteen years, if the owners are the occupants of the property or are residents of the town. Whenever the owners are nonresidents of the town, such notice must be given by mailing the same, by registered mail, to the last-known address of such owner as listed in the office of the collector of taxes. After the hearing, the council may grant or deny the application. (G.O. No. 570, § 4.)