

PET WASTE & WILDLIFE FEEDING ORDINANCE

54-ANIMALS

[HISTORY; Adopted by the Board of Commissioners of the Borough of Cape May Point; Art. 1, 9-3-1974 as Ch. 45, Art. I, of the 1974 Code; Art. II, 9-3-1974 as Ch. 45, Art. II, of the 1974 Code; Art. III, 1-12-1984 as Ord. No. 209-83; Art. IV, 3-8-1984 as Ord. No. 214-84. Sections 54-3, 54-4, 54-6, 54-8, 54-14 and 54-17 amended at time of adoption of Code; see Ch. I, General Provisions, Art. 1. Other amendments noted where applicable.]

GENERAL REFERENCES

Dogs on beaches — See Ch. 58.
Hunting — See Ch. 101.
Noise by animals — See Ch. 120

ARTICLE I Licensing of Dogs

[Adopted 9-3-1974 as Ch. 45, Art. I, of the 1974 Code]

§ 54-1. License required.

No person shall keep or harbor any dog within the Borough of Cape May Point, in the County of Cape May, without first obtaining a license therefore, to be issued by the Clerk of the borough upon application by the owner and payment of the prescribed fee, and no person shall keep or harbor any dog in said borough except in compliance with the provisions of this Article.

\$25 Fine

§ 54-2. Procuring of license; attachment of tag.

Any person who shall own, keep or harbor a dog of licensing age shall, in the month of January of each year, apply for and procure from the Clerk of the borough a license and official metal registration tag for each such dog so owned, kept or harbored and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto.

§ 54-3. Fees.

[Amended 11-12-1981 by Ord. No. 192-81; 1-26-1989 by Ord. No. 272-88; NJSA 4:19-15]

The person applying for the license and registration tag shall pay a fee of four dollars and twenty cents (\$4.20.) for the license for each spayed or neutered dog and an additional three dollars (\$3) if the animal is not spayed or neutered, whether male or female, of which, the sum of one dollar (\$1.) for the state registration for each dog, plus such additional fees as established by the state and forwarded to the Department of Health. For each annual renewal the fee for license and for the registration shall be the same as for the original license and registration. Said licenses, registrations and renewal thereof shall expire on the last day of January in each year. Dogs used as guides for blind persons, commonly known as "Seeing Eye" dogs; dogs used to assist handicapped persons, commonly known as "service dogs"; and dogs used to assist deaf persons, commonly known as "hearing ear" dogs, shall be licensed and registered as other dogs hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefore.

§ 54-4. Violations and penalties.

[Amended 11-12-1981 by Ord. No. 192-81; 1-26-1989 by Ord. No. 272-88]

Any person who violates this Article shall, upon conviction thereof, be liable to a penalty of not less than five dollars (\$5.) nor more than fifty dollars (\$50.) for each offense, to be recovered by and in the name of the borough, except that for the first offense, the penalty shall be not less than one dollar (\$1.) nor more than fifty dollars (\$50.), to be recovered in the same manner.

ARTICLE II Regulation and Control of Dogs

[Adopted 9-3-1974 as Ch. 45, Art. II, of the 1974 Code]

§ 54-5. Barking.

No person shall keep, harbor or maintain any dog which habitually cries, barks, howls or otherwise disturbs the peace.

§ 54-6. Running at large.

[Amended 1-26-1989 by Ord. No. 272-88; Ord. No. 476-04 – Sept 2004]

No person owning, possessing or harboring any dog shall suffer or permit it to be in the public streets or any public place or private property without the permission of the owner of such property in the Borough of Cape May Point unless such dog is accompanied by a person over the age of twelve (12) years and is securely confined and controlled by an adequate leash not more than six (6) feet in length; provided, nevertheless, that no dog shall be permitted on the beach within the Borough of Cape May Point limits under any circumstances from April 1 to October 31, whether or not accompanied by its owner or controlled by a leash.

§ 54-7. Injury to persons or property.

No person owning, keeping or harboring a dog shall permit it or suffer it to do any injury or damage to any person or property.

§ 54-8. Violations and penalties.

[Amended 1-26-1989 by Ord. No. 272-88]

Any person who violates this Article shall, upon conviction thereof, be liable to a penalty of not less than ten dollars (\$10.) nor more than one hundred dollars (\$100.) for each offense, to be recovered by and in the name of the borough. A person who refuses or neglects to pay forthwith the amount of a judgment rendered against him and the costs and charges incident thereto shall be committed by the court to the county jail for a period not exceeding ten (10) days in the case of a first conviction, and in the case of a conviction for a second, subsequent or continuing violation, for a period not exceeding thirty (30) days, or shall be sentenced to perform community service for a period not exceeding ninety (90) days.

\$25 Fine

\$100 Fine &
Appearance

§ 54-9. Enforcement.

The Mayor is hereby authorized to appoint such officer or officers as may be necessary to provide for the enforcement of the terms hereof.

ARTICLE III Nuisances by Dogs
(Adopted 1-12-1984 as Ord. No. 209-83)

§ 54-10. Removal of feces required.

Any person owning or in charge of any dog which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk or upon any public property whatsoever or upon any private property without the permission of the owner of said property shall immediately remove all feces deposited by any such dog by any sanitary method approved by the local health authority.

\$25 Fine

§ 54-11. Disposal of feces.

The feces removed from the aforementioned designated area shall be disposed of by the person owning or in charge of any such dog in accordance with the provisions of this Article.

§ 54-12. Exceptions.

The provisions of this Article shall not apply to blind persons who may use dogs as guides.

§ 54-13. Methods of disposal.

Sanitary methods for removing all feces approved by the local health authority maybe mechanical devices such as pooch scoops, small shovels, or picked up using leak proof containers. All feces removed by the person owning, harboring, keeping or in charge of any such dog shall dispose of all feces in a sealed, nonabsorbent, leak proof container.

§ 54-14. Violations and penalties.
[Amended 1-26-1989 by Ord. No. 272-88]

Any person who violates this Article shall, upon conviction thereof, be liable to a penalty of not less than ten dollars (\$10.) nor more than one hundred dollars (\$100.) for each offense, to be recovered by and in the name of the borough. A person who refuses or neglects to pay forthwith the amount of a judgment rendered against him and the costs and charges incident thereto shall be committed by the court to the county jail for a period not exceeding ten (10) days in the case of a first conviction, and in the case of a conviction for a second, subsequent or continuing violation, for a period not exceeding thirty (30) days, or shall be sentenced to perform community service for a period not exceeding ninety (90) days.

ARTICLE IV Licensing of Cats and Prevention of Nuisances by Cats
[Adopted 3-8-1984 as Ord. No. 214-84]

§ 54-15. Licensing and declaration and prevention of nuisance of and by cats.
[Amended 2-11-1993 by Ord. No. 319-93]

- A. No person shall keep or harbor any cat within the Borough of Cape May Point, in the County of Cape May, without first obtaining a license therefore, said license to be issued by the Clerk of the borough upon application by the owner and payment of the prescribed fee, and no person shall keep or harbor any cat in said borough except in compliance with the provisions with this Article. Specifically exempt here from are cats brought into the borough which shall remain in the borough for a period of less than thirty (30) days.
- B. Any person who shall own, keep or harbor a cat shall, in the month of January of each year, apply for and procure from the Clerk of the borough a license and official metal registration tag for each such cat so owned, kept or harbored and shall place upon each such cat a collar or harness with the registration tag securely fastened thereto. The person applying for the license and registration tag shall pay a fee of four dollars and twenty cents (\$4.20.) for the license for each spayed or neutered cat and an additional three dollars (\$3) for each cat that is not spayed or neutered, whether male or female, plus such additional fees as established by the state and forwarded to the Department of Health. For each annual renewal, the fee for license and for registration shall be the same as for the original license and registration. Said licenses, registrations and renewal thereof shall expire the last day of January in each year. No registration shall be issued for any cat whose owner or custodian fails to produce proof of a current valid rabies vaccination for said cat; except that any cat may be exempted from the vaccination requirement for a period of time specified in a veterinarian's certificate stating that the inoculation shall be inadvisable at this time because of age, infirmity or other physical or medical reasons
- C. All cats must display the registration tag, or registration number, issued by the Clerk of the borough.
- D. Anyone who owns, keeps, harbors or maintains a cat within the borough shall exercise sufficient and proper control and care over such animal at all times so as to prevent the animal from becoming a public nuisance or otherwise violating this Article.
- E. Any person who violates this Article, in not obtaining the necessary registration, upon conviction thereof, shall be liable to a penalty of not less than five dollars (\$5.) and no more than fifty dollars (\$50.) for each such offense, to be recovered by and in the name of the borough, except that for the first offense, the penalty shall be not less than one dollar (\$1.), nor more than fifty dollars (\$50.), to be recovered in the same manner.
- F. A cat shall be considered a public nuisance if it has no known owner or custodian or place of care and shelter or if it habitually trespasses upon or damages either private or public property or harms lawful users or occupants thereof or if it causes a definable public health hazard which is supported by medical documentation.

\$25 Fine

§ 54-16. Seizure; redemption; fees.

The Health Inspector or the person or agency designated by the governing body of the Borough of Cape May Point to enforce the provisions of this Article shall, upon receipt of a written complaint that a cat is a public nuisance, investigate said complaint and, if found to be legitimate, shall authorize the seizure of the cat by the issuance of a humane-type cat trap to trap said cat alive.

- B. The person who is issued the trap must notify the enforcement officer as soon as possible after a cat is apprehended. The enforcement officer and/or the person or agency designated by the governing body of the Borough of Cape May Point will keep the cat in his/her care and custody for a period of fifteen (15) days from the date of apprehension. If any cat so apprehended bears any identification of ownership, the designated officer shall, on the date of apprehension, notify the owner that the animal has been apprehended and that it may be claimed at a designated location subject to the provisions of this chapter.
- C. Any cat may be claimed by its owner during the fifteen day custodial period upon the payment to the borough of a pickup fee of ten dollars (\$10.) and a maintenance fee of three dollars (\$3.) per day or part thereof that the cat has been in custody.
- D. Any cat which has been seized pursuant to this Article and which has not been reclaimed during the fifteen-day custodial period may be disposed of in a humane manner in accordance with standards generally recognized by the American Veterinary Medical Association.

§ 54-17. Violations and penalties.

[Amended 1-26-1989 by Ord. No. 272-88]

Any person who violates this Article shall, upon conviction thereof, be liable to a penalty of not less than ten dollars (\$10.) nor more than one hundred dollars (\$100.) for each offense, to be recovered by and in the name of the borough. A person who refuses or neglects to pay forthwith the amount of a judgment rendered against him and the costs and charges incident thereto shall be committed by the court to the county jail for a period not exceeding ten (10) days in the case of a first conviction, and in the case of a conviction for a second, subsequent or continuing violation, for a period not exceeding thirty (30) days, or shall be sentenced to perform community service for a period not exceeding ninety (90) days.

ARTICLE V Enforcement

[Added 4-17-2003 by Ord. No.455-02]

§54-18 Certified Animal Control Officer.

The Board of Commissioners shall appoint a Certified Animal Control Officer, who shall be responsible for animal control within the jurisdiction of the Borough and who shall enforce and abide by the provisions of. 4:19-16.16 as the same, from time to time, may be amended or supplemented. Without intending to limit the generality of the foregoing, the Certified Animal

Control Officer and his/her assistants shall have the power and authority to seize, maintain, destroy and otherwise dispose of dogs running at large or habitually barking or considered to be a public nuisance in the Borough in accordance with the provisions of this Chapter and to perform all such other duties and responsibilities of a Certified Animal Control Officer as prescribed by law.

§54-19. Duties and Powers.

The Certified animal Control Officer shall be authorized to investigate and sign Complaints, arrest violators and otherwise act as an officer for detection, apprehension and arrest of offenders against the animal control, animal welfare and animal cruelty laws of the State and the Ordinances of the Borough. To exercise such powers, the Officer shall have completed the training required pursuant to N.J.S.A. 4:19-15.16(a). Only Certified Animal Control Officers who have completed such training shall be authorized to so act as an Officer for detection, apprehension and arrest of offenders.

§54-20. Revocation of Appointment Under Certain Circumstances.

The Board of Commissioners shall not appoint a Certified Animal Control Officer, shall not contract for animal control services with any company that employs a Certified Animal Control Officer, shall not contract for animal control services under any Interlocal Services Agreement with any other municipality, and shall revoke the appointment of a Certified Animal Control Officer, who has been found to have violated the provisions of N.J.S.A. 4:22-17, 4:22-18, 4:22-19, 4:22-19.1, 4:22-19.2, 4:22-20, 4:22-21, 4:22-22, 4:22-23, 4:22-24, 4:22-25.1 and/or 4:22-26 and any and all supplements or amendments thereto. The Board of Commissioners may, by Resolution, duly adopted by the Board of Commissioners, prescribe rules and regulations for the administration of this procedure. A Certified Animal Control Officer who pleads guilty or who is adjudicated guilty of a violation of any of the above enumerated offenses in any Court of this State or in a Court of any other State, shall immediately notify the Borough Clerk of such plea or conviction. In any event, written notification shall be provided to the Borough Clerk indicating the date, place, court and nature of the conviction and the penalty imposed, not later than ten (10) days following the entry of such conviction. Failure to do so shall constitute a separate and distinct cause for removal from office.

Article VI Removal of Animals Found to be Health Hazards

[Added 4-17-2003 by Ord. No.462-02]

§54-21. Animals found to be a health hazard

It shall be unlawful for any person within the Borough of Cape May Point to harbor any domestic poultry, farm animals or fowl found to be a health or safety hazard by the Cape May County Department of Health. Upon written notice such poultry, domestic poultry, farm animal or fowl must be removed from the Borough within twenty-four (24) hours.

\$100-\$500 Fine

Article VII Attraction and Retention of Water Fowl

[Added 4-17-2003 by Ord. No.462-02]

§54-22. Findings.

- A. Ducks and geese are encouraged to halt their normal migration and to establish a permanent presence in the Cape Island area due primarily to the feeding of the water fowl by Cape May Point residents and visitors. The growing populations of water fowl has resulted in large amounts of additional water fowl droppings that potentially can spread disease. Other problems caused by the droppings are excess nutrients in Lake Lily and its surroundings, that in turn, cause algae blooms (which propagates eutrophication, choking off the lake's oxygen supply) damage to lawns, soiling of roadways and sidewalks. Foot traffic carries the droppings into the houses.
- B. As the State of New Jersey has contributed considerable funding for the restoration of Lake Lily, it is the Borough's responsibility to minimize the attraction of these birds by restricting their feeding and other acts that encourage the ducks and geese to halt their migrations and to stay in Cape May Point.

§54-23. Prohibitions.

For the purposes of this prohibition, water fowl is defined as a bird, wild or domestic, which is capable of swimming, wading, diving on, in or below water.

- A. It shall be unlawful for anyone to provide food for waterfowl.
- B. No person shall feed, cause or permit to be fed or provide food for domestic or migratory water fowl in lands, either privately or publicly owned.
- C. No person shall create or foster any condition or allow any condition to exist or continue which results in a congregation or congestion of domestic or migratory water fowl.

§54-24. Borough Responsibilities.

- A. The Borough of Cape May Point shall provide street signage and/or take other means to inform the public about the prohibitions of this Ordinance.
- B. The Borough shall take reasonable actions to discourage or otherwise rid the Borough of water fowl pests on an as-needed basis as determined by the Borough Environmental Commission.

§54-25. Violations and Penalties.

Following a ninety (90) day educational period, any person or persons who shall violate the prohibitions of Article 54-23 shall be fined not less than one hundred (\$100.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each offense. Each incident or each day that such an offense continues or reoccurs shall be deemed a separate offense.

Article VIII Registration of a potentially dangerous dog

[Added 6-10-03 by Ord. No.469-03]

§54-26. Potentially Dangerous Dog.

The State of New Jersey has provided for the taxation and liability for injuries caused by dogs in the laws of 1994 c.187. That statute, under N.J.S.A. 4:19-30, provides for the registration of potentially dangerous dog by the municipality after the finding by a municipal court that a dog is potentially dangerous. The Borough of Cape May Point provides such licensure under provisions of N.J.S.A. 4:19-23 et seq.

1. Licensing fee is \$700, as allowed by N.J.S.A. 4:19-31
2. The Borough Clerk or other Borough administrative officer is authorized to issue a potentially dangerous dog registration and red identification tag, along with a municipal potentially dangerous dog license, for a dog which has been determined to be a potentially dangerous dog by the judge of any municipal court, so long as the person applying for the license has complied with the provisions of the Court Order requiring compliance with N.J.S.A. 4:19-24 and the applicant has demonstrated that compliance to the Animal Control Officer of the Borough of Cape May Point.
3. The last three (3) digits of each potentially dangerous dog registration number issued by the Borough of Cape May Point will be the three (3) number code assigned to the Borough of Cape May Point and the regulations promulgated pursuant to N.J.S.A. 4:19-33.
4. Prior to the issuance of the potentially dangerous dog registration, the Animal Control Officer of the Borough of Cape May Point shall verify, in writing, compliance, to the municipal clerk or other official designated to license dogs in the Borough of Cape May Point.
5. The Borough of Cape May Point shall publicize a telephone number for reporting violations of N.J.S.A. 4:19-16, et. seq. and shall forward the same to the New Jersey Department of Health with any changes in that number to be Immediately reported to the New Jersey Department of Health.