

## Chapter 141

### ANIMALS

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[HISTORY: Adopted by the City Council of the City of Rahway as indicated in article histories. Amendments noted where applicable.]

#### GENERAL REFERENCES

Animal fights — See Ch. 307, Art. I.

ARTICLE I  
Cats and Dogs

[Adopted 7-9-1984 by Ord. No. A-12-84 as Ch. 93 of the 1984 Code; amended in its entirety 3-13-2017 by Ord. No. O-06-17<sup>1</sup>]

**§ 141-1. Definitions.**

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

AT LARGE — A cat or dog off the premises of the person owning or keeping or harboring it and not securely fastened to a tether, leash, cord or chain or the like, not to exceed six feet in length, held by its owner or other person over the age of 12 years.

CAT — Any member of the domestic feline species; male, female or altered.

CAT OF LICENSING AGE — Any cat which has attained the age of six months, or which possesses a set of permanent teeth.

DOG — Any male or female dog, bitch or spayed bitch.

DOG OF LICENSING AGE — Any dog which has attained the age of seven months or which possesses a set of permanent teeth.

OWNER — When applied to the proprietorship of a dog, includes every person having a right of property in such dog and every person who harbors or has such dog in his keeping.

**§ 141-2. Annual license and registration; wearing of tag.**

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

**§ 141-3. Licensing of newly acquired cats and dogs reaching licensing age.**

The owner of any newly acquired cats or dogs of licensing age or of any cat or dog which attains licensing age shall apply for a license and registration tag for such cat or dog within 10 days after such acquisition or licensing age attainment.

**§ 141-4. Cats or dogs brought into City.**

- A. Any person who shall bring or cause to be brought into the City any cat or dog licensed in another state for the current year and bearing a registration tag and who shall keep the same or permit the same to be kept within the City for a period of more than 90 days shall immediately apply for a license and registration tag for each such cat or dog.
- B. Any person who shall bring or cause to be brought into the City any unlicensed cats or dogs of licensing age and who shall keep the same or permit the same to be kept within the City for a period of more than 10 days shall immediately apply for a license and registration tag for each such cat or dog.

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1. Editor's Note: This ordinance also amended the title of this article, which was formerly Dogs.

**§ 141-5. Licenses issued by other municipalities.**

Only one license and registration tag per cat or dog shall be required in any licensing year in New Jersey, and such license and tag issued by any other municipality of this state shall be accepted by the City as evidence of compliance with §§ 141-2 and 141-6.

**§ 141-6. Fees; exemptions.**

- A. The person applying for the license and registration tag shall pay to the Health Officer a fee for the licensing of each cat or dog and the additional sum fixed by state law for the registration of each cat or dog; and for each annual renewal, the fee for the license and for the registration tag shall be the same as for the original license and tag. Said licenses, registration tags and renewals thereof shall expire on the last day of January of each year.
- B. The annual license fee for cats and dogs over six months of age shall be as follow:
  - (1) For each nonspayed or nonneutered cat or dog: \$20.
  - (2) For each spayed or neutered cat or dog: \$10.
- C. Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs shall be licensed and registered as other dogs as hereinabove provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor.
- D. In an event that the tag shall be lost or destroyed, the Health Department is authorized to issue a duplicate tag for that particular cat or dog at a fee of \$1.
- E. Any person taking possession or ownership of a cat or dog within the City of Rahway that fails to obtain a license for said cat or dog prior to April 1 of the licensing year shall be charged an additional fee of \$2. No such fee shall be required for any newly acquired dog of licensing age or any dog which attains licensing age (seven months) when such license is applied for within 10 days of acquisition of licensing age attainment.

**§ 141-7. Removal or unauthorized transfer of tag.**

No person, except an officer in the performance of his duties, shall remove a registration tag from the collar of any cat or dog without the consent of the owner, nor shall any person attach a registration tag to a cat or dog for which it was not issued.

**§ 141-8. Running at large.**

No person owning, keeping, harboring or in control of any licensed or unlicensed dog shall tolerate or permit such dog to run at large upon any public street, public parks, public buildings or other public places within the City or on private property of another without the permission of the owner of said property.

**§ 141-9. Trespass on private property.**

No person shall permit any dog in his care or under his control, whether or not on a tether, leash, cord or chain or the like, to go upon the lawn, yard or entrance walk or driveway of any private residence without the permission of the owner or tenant thereof.

**§ 141-10. Control and leashing requirements.**

No person owning, keeping or harboring any dog shall tolerate or permit it to be upon the public streets or in any public place of the City unless such dog is accompanied by a person over the age of 12 years and is securely confined and controlled by an adequate leash not more than six feet long.

**§ 141-11. Interference with enforcement officers.**

No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article.

**§ 141-12. Barking and howling dogs; crying or whining cats.**

No person shall keep, harbor or maintain outside any cat or dog which habitually barks, howls, whines or cries between the hours of 10:00 p.m. and 8:00 a.m. or which, by frequent barking, howling, whining or crying, disturbs the peace, comfort or quiet of the neighborhood, thereby creating or maintaining a nuisance.

**§ 141-13. Damage to property.**

No person owning, keeping or harboring a dog shall permit or tolerate it to cause any injury or to cause any damage to any lawn, shrubbery, flowers, grounds or property of another.

**§ 141-14. Vicious dogs.**

- A. Any dog which has attacked or bitten any human being or which habitually attacks other dogs or domestic animals is hereby defined to be a "vicious dog," for the purposes of this section.
- B. It shall be the duty of the Chief of Police or Acting Chief to receive and to cause to be investigated complaints against dogs. When any dog complained against shall be deemed by the Chief of Police or Acting Chief to be a vicious dog, as herein defined, he shall report the facts to the Municipal Judge, who shall thereupon cause the owner or person harboring such dog to be notified, in writing, of the complaint against such dog and to appear before said Judge at a stated time and place. The Judge, at the time set for such hearing, shall inquire into the facts and give all interested persons an opportunity to be heard, under oath, and to be represented by counsel.
- C. If the Judge shall decide, in accordance with the evidence before him, that such dog complained of is a vicious dog, as defined by this section, notice of such decision shall be given to the owner or person harboring such dog. Thereafter, no such dog determined as aforesaid to be a vicious dog shall be permitted to run at large or be upon any street or public place in the City, except while under a leash, as provided in § 141-10 hereof. The owner or person harboring any such vicious dog who shall tolerate or permit such dog to run at large or be upon any street or public place in the City while not securely muzzled and under leash shall be guilty of a violation of this section.

**§ 141-15. Right of entry to premises for seizure and impoundment.**

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

**§ 141-16. Enforcement.**

The Police Department, pursuant to this article, shall have the duty of enforcing the provisions of this article and the statutory provisions of N.J.S.A. 4:19-15.1 et seq., subject to the overall jurisdiction and supervision of the Chief of Police.

**§ 141-17. Annual canvass.**

The Chief of Police, with the cooperation, aid and assistance of such other personnel as may be appointed for the purpose by the Council, shall make the annual canvass of all dogs in the City and make reports thereof as required by N.J.S.A. 4:19-15.15.

**§ 141-18. Seizure and impoundment.**

It shall be the duty of the enforcement official to take into custody and impound or cause to be taken into custody and impounded, and taken to suitable places determined by the City, the following:

- A. Any cat or dog off the premises of the owner or of the person keeping or harboring said cat or dog, which cat or dog said enforcement official or his agents have reason to believe is a stray cat or dog.
- B. Any cat or dog off the premises of the owner or of the person keeping or harboring said cat or dog without a current registration tag on its collar.
- C. Any cat or dog running at large in violation of § 141-8.

**§ 141-19. Destruction; notice requirements.**

- A. If any cat or dog, seized as provided in § 141-18, wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag or if the owner or the person keeping or harboring said cat or dog is otherwise known, the enforcement official shall forthwith serve or cause to be served on the person whose address is given on the collar or on the owner or the person keeping or harboring said cat or dog, if known, a notice, in writing, stating that the cat or dog has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the service of the notice.
- B. The notice referred to in Subsection A of this section may be served either by delivering it to the person on whom it is to be served or by leaving it at the person's usual or last known place of residence or at the address given on the collar or by forwarding it by post in a prepaid letter addressed to that person at his usual or last known place of residence or to the address written on the collar.
- C. When any cat or dog seized in accordance with § 141-18 has been detained for seven days after notice when notice can be given as above set forth, or has been detained for seven days after seizure when notice has not been and cannot be given as above set forth, and if the owner or person keeping or harboring said cat or dog has not claimed said cat or dog and paid all expenses incurred by reason of its detention, including maintenance not exceeding \$5 per day, and if the cat or dog is unlicensed at the time of the seizure and the person keeping or harboring said cat or dog has not produced a license and registration tag for said cat or dog, the enforcement official may cause the cat or dog to be destroyed in a manner causing as little pain as possible. Any redemption of a cat or dog pursuant to the provisions of this section shall not be deemed to discharge or release the owner thereof from the penalties prescribed in § 141-22 hereof for any violation of this article.
- D. The preceding requirements of Subsections A, B and C of this section shall not be deemed applicable

when any cat or dog seized and impounded pursuant to § 141-18 (whether licensed or unlicensed) is, or appears to be, suffering from rabies or is immediately dangerous to the public or has been so badly injured that it cannot be moved or helped by veterinarian care. In such case, the enforcement official or a member of the police force may forthwith cause said cat or dog to be destroyed.

**§ 141-20. Violations and penalties.**

- A. Any person who violates or fails or refuses to comply with § 141-2, 141-3, 141-4, 141-7 or 141-12 or with the rules and regulations promulgated by the State Department of Health governing the sanitary conduct and operation of kennels, pet shops, shelters and pounds to preserve sanitation therein and to prevent the spread of rabies and other diseases of dogs within and from such establishments shall be liable to a penalty of not less than \$50 nor more than \$500 for each offense, to be recovered by and in the name of the City, except that for the first offense in case of violations of §§ 141-2, 141-3 and 141-4, the penalty shall not be less than \$10 nor more than \$100, to be recovered in the same manner. 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 Judge for a period not exceeding 10 days in the case of a first conviction, and in the case of a second, subsequent or continuing violation for a term not exceeding 30 days.
- B. Any person who violates or fails or refuses to comply with § 141-8, 141-9, 141-10, 141-11, 141-13, 141-14, 141-15 or 141-16 shall, upon conviction thereof, be punishable by a fine of not less than \$10 nor more than \$300 or by imprisonment for a term not exceeding 90 days, or both. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

**§ 141-21. Pet waste; enforcement; violations and penalties.**

- A. Purpose. This section establishes requirements for the proper disposal of pet solid waste in the City of Rahway, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.
- B. Definitions. For the purpose of this section, 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 the 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.

IMMEDIATE — The pet solid waste is removed at once, without delay.

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.

PERSON — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

PET — A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE — Waste matter expelled from the bowels of the pet; excrement.

PROPER DISPOSAL — Placement in a designated public waste receptacle which is regularly emptied by the municipality or some other refuse collector; or discarded in a refuse receptacle owned by the pet owner or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

- C. 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, including, but not limited to, any common thoroughfare, sidewalk, passageway, bypath, play area, park, school grounds or any space where the public congregates or walks.
- D. 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.
- E. Enforcement. The provisions of this section shall be enforced by the Police Department and the Health Department of the City of Rahway. Said enforcement powers shall not preclude a citizen of the City of Rahway from filing a complaint directly with the Municipal Court.
- F. Violations and penalties. Any person who is found to be in violation of the provisions of this section shall be deemed to be in violation of this section and, upon conviction thereof, shall be liable for a minimum fine of \$50 and a maximum fine not to exceed \$1,000, or imprisonment in the county jail for a term not exceeding 90 days, or both. Any person, upon conviction of a second offense of this section, shall be liable for a minimum fine of \$250 and a maximum fine not to exceed \$1,000, or imprisonment in the county jail for a term not exceeding 90 days, or both.

ARTICLE II

**Limiting Number of Domestic Animals**

**[Adopted 9-10-2001 by Ord. No. O-44-01 ; amended in its entirety 3-13-2017 by Ord. No. O-06-17 ]**

**§ 141-22. Definitions.**

As used in this article, the following words or phrases shall have the following meanings:

**ANIMAL CARE FACILITY** — An animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations. **[Added 11-20-2017 by Ord. No. O-28-17 ]**

**ANIMAL RESCUE ORGANIZATION** — Any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. **[Added 11-20-2017 by Ord. No. O-28-17 ]**

**CONTINUALLY HARBORING OR CARING** — For the purposes of this article, it shall be sufficient for the enforcement officer to establish that the owner has cared for or harbored a dog or cat for a period of time in excess of one month. It shall not be necessary for the enforcement officer to establish that the care or harbor was continuous or uninterrupted, provided the enforcement officer has established that the owner has acted to harbor or care for the dog or cat for a length of time in excess of one month.

**DOG OR CAT** — Any species in the genus of canis familiaris or felis catus which is over the age of seven months.

**ENFORCEMENT OFFICER** — The Animal Control Officer, any licensed Health Officer, any police officer or any other person authorized by the laws of the State of New Jersey to enforce this article.

**OFFER FOR SALE** — To sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat. **[Added 11-20-2017 by Ord. No. O-28-17 ]**

**OWNER** — Any person, corporation, firm or entity owning, keeping, containing, possessing or maintaining any dog or cat or otherwise continually harboring or caring for any dog or cat for a period of time in excess of one month in the City of Rahway.

**PET SHOP** — A retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined herein. **[Added 11-20-2017 by Ord. No. O-28-17 ]**

**PROPERTY** — Any lot in any block in the City of Rahway which contains a single-family residential dwelling; any commercial structure; any business structure; any unit in a townhouse or condominium complex; any unit in an apartment complex; or any other legally recognized or de facto apartment/residential rental unit.

**§ 141-23. Limitation.**

No owner may keep, contain, possess, maintain or otherwise continually harbor or care for more than five dogs or cats, or any combination thereof, on any property within the City of Rahway. The limitations herein shall not apply to any pet shop, animal hospital, kennel or other similarly licensed business establishment.

**§ 141-23.1. Feeding of stray animals.**

Notwithstanding the limitation of no more than five dogs or cats set forth in § 141-23, if the enforcement



officer determines that a public health nuisance exists due to the giving, exposing, depositing, distributing or scattering of edible material by any person with the intention of feeding, attracting or enticing dogs or cats on private or public property, said person shall be deemed to be in violation of this section and upon conviction shall be liable to the fines and/or penalties specified herein.

**§ 141-23.2. Restriction on sale of animals. [Added 11-20-2017 by Ord. No. O-28-17 ]**

No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities or animal rescue organizations to offer space for such entities to showcase adoptable dogs and cats.

**§ 141-24. Violations and penalties.**

Any owner found to have violated this article by a court of competent jurisdiction shall be liable to the fines and/or penalties as specified in the general penalty section of the Code of the City of Rahway.