

Hightstown Borough Revised General Ordinances

**Chapter 5**

**ANIMAL CONTROL**

**Sections:**

- 5-1 DOGS**
- 5-2 CATS**
- 5-3 DISPOSAL OF PET WASTE**
- 5-4 FARM ANIMALS AND FOWL**

Hightstown Borough Revised General Ordinances

**Section 5-1**

**DOGS**

**Subsections:**

- 5-1.1 Definitions.**
- 5-1.2 License Required; Fees.**
- 5-1.3 Conduct.**
- 5-1.4 Rabies Vaccination; Violations.**
- 5-1.5 Dog Canvass.**
- 5-1.6 Disposition of Fees.**
- 5-1.7 Dog Bites.**
- 5-1.8 Vicious Dogs.**
- 5-1.9 Impoundment and Disposal.**
- 5-1.10 Enforcement.**
- 5-1.11 Violations and Penalties.**

**5-1.1 Definitions.**

As used in this section:

“At large” shall mean off the premises of the owner and not under the control of the owner or a member of the owner's family either by leash, cord, chain or otherwise.

“Dog” shall mean both male and female, bitch and spayed bitch.

“Dog of licensing age” shall mean any dog which has attained the age of seven (7) months or which possesses a set of permanent teeth.

“Keeper” shall mean any person exercising control over a dog or permitting a dog to remain on premises under his control.

“Kennel” shall mean any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on, except a pet shop.

“Owner” shall mean any person who owns or has a right of property in such dog.

“Pet shop” shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

“Pound” shall mean any establishment for the confinement of dogs seized either under the provisions of this section, State statutes or otherwise.

“Shelter” shall mean any establishment where dogs are received, housed or distributed without charge.

“Vicious dog” shall mean any dog which has attacked or bitten any human being or has caused any person to be fearful for his own safety by chasing, worrying or otherwise or which has habitually attacked other dogs or domestic animals. (1991 Code § 87-1)

## Hightstown Borough Revised General Ordinances

### 5-1.2 License Required; Fees.

- a. Licenses and official metal registration tags shall be required for the following dogs of licensing age:
  1. Any dog owned or kept within the Borough by a resident of the Borough as of January 1 of any calendar year.
  2. Any dog acquired by any person during the course of any calendar year and kept within the Borough for more than ten (10) days after acquisition.
  3. Any dog attaining licensing age during the course of the calendar year.
  4. Any unlicensed dog brought into the Borough by any person and kept within the Borough for more than ten (10) days.
  5. Any dog licensed by another State brought into the Borough by any person and kept within the Borough for more than ninety (90) days.
- b. Application for License.
  1. Each application for a license under this section shall be signed by the owner or keeper of the dog and shall give the following information:
    - (a) A general description of the dog sought to be licensed, including breed, sex, age, color and markings, and whether such dog is of a long- or short-haired variety.
    - (b) The name, street and post office address of the owner and of the person who shall keep or harbor such dog.
    - (c) Evidence of rabies vaccination in accordance with subsection 5-1.4.
  2. No license to own, keep or harbor a dog shall be issued to or in the name of a minor.
- c. Annual License; Date of Application. Applications for licenses for dogs which are required to be licensed by the provisions of paragraph a. shall be made prior to January 31 of each calendar year to the Borough Clerk or other official designated by the Mayor and Council. In all other cases, the application for a license shall be made within ten (10) days of the day upon which the dog in question first becomes subject to the provisions of this section.
- d. License Record. The information on all applications under this subsection and the registration number issued to each licensed dog shall be preserved for a period of three (3) years by the Borough Clerk. In addition, the Clerk shall forward similar information to the State Department of Health each month on forms furnished by the Department.
- e. Fees. The person applying for a license shall pay a fee of ten dollars and eighty cents (\$10.80) for each dog license, shall also pay one dollar and twenty cents (\$1.20) for the registration tag (Pilot Clinic fee) for each dog and an additional fee of three (\$3.00) dollars for any dog of reproductive age which has not had its reproductive capacity permanently altered through sterilization. Any dog owner claiming to be exempt from the payment of the additional

## Hightstown Borough Revised General Ordinances

fee of three (\$3.00) dollars shall provide a copy of a veterinarian's certificate, or a notarized statement by the owner, of the animal's neutering. The fees of one dollars and twenty cents (\$1.20) and additional fee of three (\$3.00) dollars, when collected, shall be forwarded to the State Treasurer as provided by law. The same fee shall be charged for the annual renewal of each license and registration tag. If application shall not be made within the time limit set forth hereinabove, there shall also be a late charge per license, as follows. If application is made:

1. During February: five (\$5.00) dollars.
2. During March: ten (\$10.00) dollars.
3. After March 31: fifteen (\$15.00) dollars.

f. Expiration Date. Each dog license and registration tag shall expire on December 31 of the calendar year in which it was issued.

g. Exceptions.

1. Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs shall be licensed and registered as other dogs, except that the owner or keeper shall not be required to pay any fee.

2. Any dog owned in New Jersey and duly licensed for the current licensing year and bearing the proper registration tag for a New Jersey municipality shall be exempt from the license and the tag provisions of this subsection.

h. Limitation on Number of Dogs. No more than two (2) dogs of licensing age shall be owned by or kept by any one (1) family group. "Family group," as used herein, shall mean all persons occupying one (1) dwelling unit. Any person owning or keeping more than two (2) licensed dogs on the effective date of this section may retain the dogs so long as that person remains the owner or keeper of the dogs.

i. The fee to replace a lost dog registration tag shall be one (\$1.00) dollar. (1991 Code § 57-2; New; Ord. No. 2007-30; Ord. No. 2019-12)

### **5-1.3 Conduct.**

a. Running at Large. No dog shall run at large at any time within the limits of the Borough.

b. Leashing. No dog shall be permitted off of the premises of the person owning, keeping or harboring it unless accompanied by a person who is capable of controlling it and who has the dog securely confined and controlled by an adequate leash or chain not more than six (6) feet long.

c. Property Damage. No person owning, keeping or harboring a dog shall permit or suffer it to do any injury or to do any damage to any lawn, shrubbery, flowers, grounds or property of persons other than the owner or person having the care, custody and control of such dog.

d. Defiling Public Places. No person owning, keeping or harboring a dog shall permit or suffer it to soil or defile or commit any nuisance upon any sidewalk, street or thoroughfare or in or upon any public property or place.

e. Personal Injury. No person owning, keeping or harboring a dog shall permit or suffer it to cause any injury to any person.

## Hightstown Borough Revised General Ordinances

- f. Disturbing the Peace. No person shall keep, harbor or maintain any dog which habitually barks or cries.
- g. Wearing of Registration. All dogs for which licenses are required by the provisions of this section shall wear a collar or harness with the registration tag securely fastened thereto. (1991 Code § 87-3)

### **5-1.4 Rabies Vaccination; Violations.**

a. Vaccination Required. No person shall own, possess, harbor or keep any dog over six (6) months of age within the Borough unless the dog has been inoculated against rabies. However, any dog may be exempt from the inoculation requirement for a specified period of time by the Board of Health upon the presentation of a certificate from a duly licensed veterinarian stating that, because of infirmity or other physical condition, the inoculation of the dog for a specified period of time is contraindicated.

b. Certificate. Any person, owning, keeping, harboring or having custody of a dog shall obtain from the veterinarian who vaccinates the dog against rabies a certificate on a form supplied by the Health Officer and available at the office of the Secretary of the Board of Health and shall, within ten (10) days of the vaccination or within ten (10) days after bringing the dog into the Borough, if the dog was vaccinated before being brought into the Borough, deliver the certificate to the office of the Secretary of the Board of Health, who shall file it with the records of the Board of Health.

c. Prerequisite to Licensing. No license required for the owning and keeping of dogs by virtue of any State law or Borough ordinance shall be issued to any person unless a certificate issued by a duly licensed veterinarian of the State of New Jersey, as provided in paragraph b., is presented to and filed with the office of the Secretary of the Board of Health showing that such dog has been vaccinated against rabies in the manner provided herein and that the vaccination has been made within six (6) months from the date of the filing of the application for a license.

d. Free Vaccination. The Board of Health is hereby authorized and empowered to provide free vaccination of dogs at a suitable clinic and place designated to it, to be conducted by a licensed veterinarian of the State of New Jersey. The Board of Health is hereby further authorized and empowered to make and adopt such rules and regulations, consistent with the terms and provisions of this subsection, as it may deem proper and necessary for its enforcement.

e. Violation. Should any person owning a dog or dogs omit or refuse to have such dog or dogs inoculated under the provisions of paragraph a., then each day following the time when the inoculation should have been made as provided in this subsection shall constitute a separate offense. (1991 Code § 87-4)

### **5-1.5 Dog Canvass.**

The Chief of Police shall annually cause a canvass to be made of all dogs owned, kept or harbored within the limits of the Borough in accordance with N.J.S. 4:19-15.15 and make reports required under that statute. (1991 Code § 87-5)

## Hightstown Borough Revised General Ordinances

### 5-1.6 Disposition of Fees.

a. License fees and other moneys collected or received under the provisions of this section, except the registration tag fees, shall be forwarded to the Borough Treasurer within thirty (30) days after collection or receipt and shall be placed in a special account separate from any of the other accounts of the Borough and shall be used for the following purposes only: collecting, keeping and disposing of dogs liable to seizure under this section; local prevention and control of rabies; providing anti-rabies treatment under the direction of the local Board of Health for any person known or suspected to have been exposed to rabies; all other purposes prescribed by the statutes of New Jersey governing the subject; and for administering the provisions of this section. Any unexpended balance remaining in such special account shall be retained therein until the end of the third fiscal year following and may be used for any of the purposes set forth in this subsection. At the end of the third fiscal year following and at the end of each fiscal year thereafter, there shall be transferred from such special account to the general funds of the Borough any amount then in such account which is in excess of the total amount paid into the special account during the last two (2) fiscal years next preceding.

b. The registration tag fee for each dog shall be forwarded within thirty (30) days after collection by the Registrar to the State Department of Health. (1991 Code § 87-6)

### 5-1.7 Dog Bites.

Where it has been determined by a physician that a person has been bitten by a dog, such individual, or his parent or guardian if he is a minor, shall immediately notify the Police. When the owner or keeper of any dog shall be notified by the Police that the dog has bitten any individual, the owner or keeper of the dog must comply with the following procedures:

a. Have the dog examined by a licensed veterinarian within twelve (12) hours.

b. Have the dog kept in quarantine in the owner's home or at a kennel for a period of ten (10) days.

c. At the end of ten (10) days, have the dog reexamined by a veterinarian and a written report of the dog's state of health sent to the Health Department. (1991 Code § 87-7)

### 5-1.8 Vicious Dogs.

a. Complaint; Investigation; Report. It shall be the duty of the Chief of Police or other officer in charge or the Animal Control Officer to receive and investigate complaints against dogs, and when any dog complained against shall be deemed by such Chief of Police or other designated officer to be a vicious dog as herein defined, the officer shall notify the owner or person harboring such dog, directing the owner or person harboring such dog to take the dog for examination to a veterinarian, the examination to be at the expense of the owner or person harboring the dog. Failure of the owner or person harboring the dog to comply with the notice given shall constitute a violation of this subsection. The officer shall report his findings to the Judge of the Municipal Court.

b. Notice; Hearing. The Judge of the Municipal Court shall notify, in writing, the owner or keeper of an allegedly vicious dog that a complaint has been made and require such person to appear before him at a stated time and place for a hearing. The Judge, at the time set for the hearing, shall inquire into the facts and give all interested persons an opportunity to be heard under oath and to be represented by counsel. He shall decide in accordance with the

## Hightstown Borough Revised General Ordinances

evidence before him, and if he shall decide that such dog complained of is a vicious dog as defined in subsection 5-1.1, notice of such decision shall be given to the owner or person harboring such dog.

c. Control of Vicious Dogs. No dog which has been so determined to be a vicious dog shall be permitted to run at large or to be upon any street or public place in the Borough except while securely muzzled and under leash, and the owner or person harboring any such vicious dog who shall suffer or permit such dog to run at large or be upon any street or public place in the Borough while not so securely muzzled and under leash shall be guilty of a violation of this subsection. (1991 Code § 87-8)

### **5-1.9 Impoundment and Disposal.**

a. It shall be the duty of the Chief of Police and every Police Officer, as well as the Animal Control Officer, to enforce the provisions of this section and to take into custody and impound or cause to be taken into custody and impounded the following:

1. Any dog running at large in the Borough.
2. Any dog off the premises of the owner or of the person keeping or harboring the dog which the official or his agent has reason to believe is a stray dog.
3. Any dog off the premises of the owner or of the person keeping or harboring the dog which is not controlled by a leash or chain as provided in this section.
4. Any dog with fierce, dangerous or vicious propensities or noticeably infected with rabies or bitten by a dog suspected of having rabies.
5. Any dog running at large off the premises of the owner or of the person keeping or harboring the dog, without a current registration tag on the dog's collar.
6. Any female dog in season off the premises of the owner or of the person keeping or harboring the dog.
7. Any dog in violation of subsection 5-1.4.

b. Any dog seized under the provisions of this section shall be handled and disposed of with proper notices given, as required by N.J.S. 4:19-15.16. (1991 Code § 87-9)

### **5-1.10 Enforcement.**

a. Interference with Official Duties. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this section.

b. Access to Premises. Any officer or agent authorized or empowered to perform any duty under this section is hereby authorized to go upon any premises to seize for impounding any dog which he may lawfully seize and impound when such officer is in immediate pursuit of such dog, except upon the premises of the owner of the dog if the owner is present and forbids the same. (1991 Code § 87-10)

## Hightstown Borough Revised General Ordinances

### **5-1.11 Violations and Penalties.**

Any person who violates or who fails or refuses to comply with Section 5-1 shall be liable to a penalty of not less than five (\$5.00) dollars nor more than two hundred (\$200.00) dollars. Each day on which a violation continues shall be deemed to constitute a separate offense. (1991 Code § 87-11; New)

Hightstown Borough Revised General Ordinances

**Section 5-2**

**CATS**

**Subsections:**

- 5-2.1**            **Definitions.**
- 5-2.2**            **Rabies Vaccination.**
- 5-2.3**            **Licensing Requirements.**
- 5-2.4**            **Impounding and Redemption.**
- 5-2.5**            **Violations and Penalties.**

**5-2.1**    **Definitions.**

As used in this section:

“Animal” shall mean dog or cat.

“Animal control authority” shall mean any person or agency designated or certified by the State of New Jersey to enforce the provisions of this section.

“Cat” shall mean any member of the domestic feline species, male, female or altered.

“Cat of licensing age” shall mean any cat which has attained the age of seven (7) months or which possesses a set of permanent teeth.

“Cattery” shall mean any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein cats for sale are kept or displayed.

“Family group” shall mean the individual(s) occupying one (1) dwelling unit.

“Licensing authority” shall mean the agency or department of the Borough of Hightstown or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provision of this section.

“Neutered” shall mean rendered permanently incapable of reproduction as certified by a licensed veterinarian.

“Owner” shall mean, when applied to the proprietorship of a cat, shall include every person having a right of property (or custody) in such cat and every person who has such cat in his/her keeping or who harbors or maintains a cat or knowingly permits a cat to remain on or about any premises occupied by that person.

“Person” shall mean any individual, corporation, partnership, organization or institution commonly recognized by law as a unit. (1991 Code § 87-12)

**5-2.2**    **Rabies Vaccination.**

a.    Vaccination and License Requirements. No person shall own, keep, harbor or maintain any cat over seven (7) months of age within the Borough unless such cat is vaccinated and licensed. The provisions of this subsection

## Hightstown Borough Revised General Ordinances

do not apply to cats held in a cattery or those held by a State or Federal licensed research facility or a veterinary establishment where cats are received or kept for diagnostic, medical, surgical or other treatments or licensed animal shelters, pounds, kennels or pet shops.

b. Vaccination. All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with the latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization, published by the National Association of State Public Health Veterinarians, except as provided for in paragraph d. below.

c. Vaccination Certificate. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the State.

d. Exemptions. Any cat 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 cat shall be deemed inadvisable.

e. Newly Acquired Cats. The owner of any newly acquired cats of vaccination age or of any cat which attains vaccination age, shall have such cat vaccinated within ten (10) days after such acquisition or age attainment.

f. Cats Brought into the Borough. Any person who shall bring or cause to be brought into the Borough any cat vaccinated in another State for the current year and bearing an appropriate registration tag and who shall keep such cat or permit such cat to be kept within the Borough for a period of more than ninety (90) days shall, upon the expiration of the ninety (90) day period, provide proof of current vaccination status to the Board of Health.

g. Proof of Vaccination. Proof of vaccination shall be produced by any person owning, keeping, maintaining or harboring a cat upon the request of any Board of Health official, Police Officer, Animal Control Officer or other person authorized by the Board of Health or the Borough.

h. Annual Canvass. The Health Officer, in his or her discretion, may annually cause a canvass to be made of all cats owned, kept and harbored within the limits of the Borough, setting forth the names and addresses of persons owning, keeping or harboring cats which have not been vaccinated against rabies, and the number of such cats owned, kept or harbored by each of the persons, together with the complete description of each unvaccinated cat. (1991 Code § 87-13)

### **5-2.3 Licensing Requirements.**

a. Cats shall have license number displayed. Any person who shall own, keep or harbor a cat of licensing age shall annually apply for and procure from the Borough Clerk or other official designated by the Mayor and Council thereof to license cats in the municipality in which he/she resides a license and official registration tag with license number or a registration sleeve for each cat so owned, kept or harbored and shall place upon such cat a collar or other device with the license number securely fastened or displayed thereon. Acceptable methods of displaying the license number shall include but are not limited to breakaway or elastic collars. License tags or sleeves are not transferable.

b. Sanitation of Quarters. The quarters where cats are kept shall be kept clean and sanitary under standards generally accepted for the housing, feeding and care of cats by the American Veterinary Medical Association.

c. Time for Applying for License. The owner of any newly acquired cat of licensing age or of any cat which attains licensing age shall make application to the Borough Clerk for a license tag or sleeve for such cat within ten

## Hightstown Borough Revised General Ordinances

(10) days after such acquisition or age attainment. This requirement will not apply to a nonresident keeping a cat within the Borough for no longer than ninety (90) days.

d. Cats Brought into the Borough.

1. Any person who shall bring or cause to be brought into the Borough any cat licensed in another State for the current year and bearing a registration tag or sleeve and shall keep the same or permit the same to be kept within the Borough for a period of more than ninety (90) days shall immediately apply for a license and registration tag or sleeve for each such cat.

2. Any person who shall bring or cause to be brought into the Borough any unlicensed cat and shall keep the same or permit the same to be kept within the Borough for a period of more than ten (10) days shall immediately apply for a license and registration tag or sleeve for each such cat.

e. Application; Contents; Preservation of Information.

1. The application shall state the breed, sex, age, color and markings of the cat for which license and registration are sought and whether it is of a long- or short-haired variety, also the name, street and post office address of the owner and the person who shall keep or harbor such cat. The information on the application and the registration number issued for the cat shall be preserved for a period of three (3) years by the Borough Clerk or other official designated to license cats in the Borough.

2. Applications for licenses for cats which are required to be licensed by the provisions of this section shall be made prior to January 31 each year to the Borough Clerk or other official designated by the Mayor and Council. In all other cases, the application for license shall be made within ten (10) days of the day upon which the cat in question first becomes subject to the provisions of this section, as set forth more specifically in paragraphs c. and d.

f. License Forms and Tags. License forms and official tags or sleeves shall be furnished by the Borough and shall be numbered serially and shall bear the year of issuance and the name of the Borough.

g. Evidence of Inoculation with Rabies Vaccine or Certification of Exemption; Requirement for License. No Borough Clerk or other official designated by the Mayor and Council to license cats shall grant any such license and official registration tag or sleeve for any cat unless the owner thereof provides evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Agriculture and the United States Department of Human Services or has been certified exempt as provided by subsection 5-2.2. The rabies inoculation shall be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same.

h. License Fee Schedule. A license shall be issued after payment of a fee of fourteen (\$14.00) dollars for each cat not neutered and ten (\$10.00) dollars for each neutered cat. Those family groups which presently possess more than two (2) cats, in accordance with subsection 5-2.3b., shall not be required to pay total annual fees in excess of thirty (\$30.00) dollars for the licensing of all of the cats, exclusive of any delinquent fees which may apply in accordance with this subsection. Person who fail to obtain a license as required within the time period specified in this subsection will be subject to a delinquent fee per license as follows. If application is made:

- (a) During February: Five (\$5.00) dollars.
- (b) During March: Ten (\$10.00) dollars.
- (c) After March 31: Fifteen (\$15.00) dollars.

## Hightstown Borough Revised General Ordinances

### i. Fees; Renewals; Expiration Date of License.

1. Expiration Date. Each cat license and registration tag shall expire on December 31 of the calendar year in which it was issued.

2. Licenses from another municipality shall be accepted. The person applying for the license and registration tag and/or sleeve shall pay the fee fixed or authorized. The fee for the renewal of a license and registration tag or sleeve shall be the same as for the original, and the license, registration tag or sleeve and renewal thereof shall expire on December 31 of the calendar year in which it was issued.

3. Only one (1) license and registration tag or sleeve shall be required in the licensing year for any cat in the Borough. Any valid New Jersey license tag or sleeve issued by a New Jersey municipality shall be accepted by the Borough.

j. Loss of License. If a license tag or sleeve has been misplaced or lost, the Borough Clerk may issue a duplicate license and/or registration sleeve for that particular cat at a fee of one (\$1.00) dollar.

k. Proof of Licensing. Proof of licensing shall be produced by any person owning, keeping, maintaining or harboring a cat, upon the request of any Health Official, Police Officer, Animal Control Officer or other authorized person.

l. Interfering with Persons Performing Duties Under This Section. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this section.

m. Disposition of Fees Collected. License fees and other moneys collected or received under the provisions of this section shall be forwarded to the Treasurer of the Borough and, to the extent permitted by law, shall be placed in a special account separate from any of the other accounts of the Borough and shall be used for the following purposes only: collecting, keeping and disposing of cats liable to seizure; for local prevention and control of rabies; providing antirabies treatment under the direction of the Board of Health for any person known or suspected to have been exposed to rabies; and for administering the provisions of this section. Any unexpected balance remaining in such special account shall be retained until the end of the third fiscal year following and may be used for any of the purposes set forth in this section. At the end of the third fiscal year following and at the end of each fiscal year thereafter there shall be transferred from such special account to the general funds of the Borough any amount then in such account which is in excess of the total amount paid into the special account during the last two (2) fiscal years next preceding. (1991 Code § 87-14; New; Ord. No. 2004-15; Ord. No. 2007-30; Ord. No. 2019-12)

### **5-2.4 Impounding and Redemption.**

a. Any cat that is believed to have rabies or has been bitten by another animal suspected of having rabies shall be confined on the owner's premises and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two (2) weeks. The owner shall notify the Board of Health or its designee of the fact that the cat has been exposed to rabies. The Board of Health, at its discretion, is empowered to have such cat removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two (2) weeks at the expense of the owner. It shall be unlawful for any person who owns or has custody or control over any cat, when it is known by that person or should be known to that person that the cat may be exposed to rabies, to allow such cat to be taken off his or her premises or beyond the limits of the Borough without the permission of the Animal Control Officer. Every owner or other person, upon ascertaining that a cat is rabid, shall immediately notify the Animal Control Officer or a Police Officer who shall either remove the cat to the pound or summarily destroy it.

## Hightstown Borough Revised General Ordinances

b. The Animal Control Officer or the Chief of Police or any person authorized by either of them is empowered and authorized to take into custody any cat observed by him which is:

1. Without a current vaccination tag on its collar as required by this section;
2. In such circumstances as would constitute a violation of any other provision of this section.

c. If any cat so taken into custody wears a collar having inscribed thereon or attached thereto the name and address of any person or a vaccination tag or if the owner or the person keeping or harboring such cat is known, the Chief of Police or Animal Control Officer and any person authorized by either of them to act shall forthwith notify the person whose address is given on the collar of, if known, the owner or person keeping or harboring such cat that the cat has been taken into custody and will be liable to be disposed of or destroyed if not claimed within one (1) week of the giving of such notice. The notice may be served either by delivering it to the person to whom it is to be served or by leaving it at the person's usual or last known place of abode or at the address given on the tag or collar or by forwarding it by mail in a prepaid letter addressed to that person at his usual or last known place of abode or to the address given on the collar or tag.

d. When any cat so seized has been detained for seven (7) days after notice, when notice can be given as set forth above, or has been detained for seven (7) days after being taken into custody, when no notice can be given as set forth, and if the owner or person keeping or harboring the cat has not claimed the cat and paid all expenses incurred by reason of its detention as hereinafter specified, and if there is no evidence at the time that the cat was taken into custody that the cat had been vaccinated against rabies pursuant to the requirements of this section, the Animal Control Officer or any person authorized by him may cause the cat to be destroyed in a humane manner. No cat so impounded shall be sold, given, released or turned over to any agency, organization or corporation, whether governmental or private, for experimental or other like purposes.

e. The following charges shall be paid by the owner to the Board of Health as expenses incurred by reason of detention in accordance with the provisions of this subsection:

1. For impounding any cat: twenty (\$20.00) dollars.
2. Maintenance per day: four (\$4.00) dollars.
3. Giving notice: one (\$1.00) dollar.
4. Destruction of cat: fifteen (\$15.00) dollars.

f. Any officer or agent authorized or empowered to seize a cat hereunder is hereby authorized and empowered to go upon any premises to take into custody any cat which he may lawfully seize when he is in immediate pursuit of such cat, except upon the premises of the owner of the cat if the owner is present and forbids the same. (1991 Code § 87-15; New)

### **5-2.5 Violations and Penalties.**

Except as otherwise provided in this section, any person who violates or who fails or refuses to comply with this section shall be liable to a penalty of not less than five (\$5.00) dollars nor more than two hundred (\$200.00) dollars for each offense to be recovered by and in the name of the Borough. Each day on which a violation continues shall be deemed to constitute a separate offense. (1991 Code § 87-16)

# Hightstown Borough Revised General Ordinances

## Section 5-3

### DISPOSAL OF PET WASTE

#### Subsections:

- 5-3.1 Definitions.
- 5-3.2 Requirement for Disposal.
- 5-3.3 Exemptions.
- 5-3.4 Enforcement.
- 5-3.5 Violations and Penalty.

#### 5-3.1 Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include 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.

- a. "Immediate" as regards the removal of pet solid waste shall mean at once, without delay.
- b. "Owner/Keeper" shall mean any person who possesses, maintains, houses or harbors any pet or otherwise has custody of any pet, whether or not he or she is the owner of such pet.
- c. "Person" shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.
- d. "Pet" shall mean a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. "Pet solid waste" shall mean waste matter expelled from the bowels of the pet; excrement.
- f. "Proper disposal" shall mean placement in a designated waste receptacle, or other suitable container, and discarding in a refuse container which is regularly emptied by the municipality or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal. (Ord. No. 2004-14)

#### 5-3.2. 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. (Ord. No. 2004-14)

#### 5-3.3. 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. (Ord. No. 2004-14)

## Hightstown Borough Revised General Ordinances

### **5-3.4 Enforcement.**

The provisions of this Article shall be enforced by the Police Department and the Local Board of Health of the Borough of Hightstown. (Ord. No. 2004-14)

### **5-3.5. Violations and Penalty.**

Any person, firm or corporation who violates or neglects to comply with any provision of this section or any regulation promulgated pursuant thereto shall, upon conviction thereof, be liable to penalties as stated in Chapter I, Section 1-5. (Ord. No. 2004-14)

**Section 5-4**

**FARM ANIMALS AND FOWL**

**Subsections:**

- 5-4.1**           **Definitions**
- 5-4.2**           **Keeping of Farm Animals**
- 5-4.3**           **Keeping of Fowl**
- 5-4.4**           **Annual Inspections**
- 5-4.5**           **Compliance**
- 5-4.6**           **Violations and Penalties**
- 5-4.7**           **Enforcement**

**5-4.1. Definitions.**

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

“Farm Animals” shall mean those animals customarily found on a farm, including but not limited to horses, goats, sheep, cows, cattle, or other hoofed animals.

“Fowl” shall mean chickens, geese, ducks, turkeys, peacocks, ostriches, game birds or any other fowl.

**5-4.2. Keeping of Farm Animals.**

No person shall harbor or keep any farm animal within the limits of the Borough of Hightstown except in conformance with the provisions herein and except in accordance with the applicable provisions of the Borough’s Ordinances. The following provisions are applicable:

- a. All farm animals shall be kept in an enclosed fenced or penned area.
- b. All farm animals shall be kept at least thirty-five (35) feet from all property lines inside the fenced or penned area, or in a barn constructed on the premises of the owner, in accordance with applicable zoning regulations.
- c. Farm animals shall be kept at least thirty-five (35) feet from the principal building on the property.
- d. The maximum number of farm animals allowed shall be six (6) regardless of the size of the property.

**5-4.3 Keeping of Fowl.**

No person shall harbor or keep any fowl within the limits of the Borough except in conformance with this article and in accordance with applicable provisions of the Borough’s Ordinances. The following provisions are applicable:

## Hightstown Borough Revised General Ordinances

- a. A maximum number of fowl shall not exceed six (6) regardless of property size. Any issue or offspring of any fowl exceeding that number shall be removed within sixty (60) days of birth or hatching.
- b. All fowl shall be kept in a fenced or penned area, or in coops, with raised floor, not dirt or bare floors, and shall be kept and maintained at least thirty-five (35) feet from the principal building on the property and at least thirty-five (35) feet from all property lines.
- c. No fowl should be allowed to fly around or at large, but shall be confined in a suitable house or coop and with an enclosed runway or fenced area.

### **5-4.4 Annual Inspections.**

Any property on which it is proposed to house or maintain farm animals or fowl shall be subject to an annual inspection by the Borough.

### **5-4.5 Compliance.**

All property owners within the Borough shall comply with the provisions of this Ordinance not later than sixty (60) days from the date of its final adoption. All keeping and/or harboring of farm animals or fowl within the Borough of Hightstown that is inconsistent with the provisions set forth herein shall be ceased not later than sixty (60) days from the date of final adoption of this Ordinance.

### **5-4-6. Enforcement.**

This section shall be enforced by the Health Officer, the Construction Official or any member of the Borough of Hightstown Police Department.

### **5-4-7. Violations and Penalties.**

Violations of this section shall be punishable as provided in Chapter 1, General Provisions, Section 1-5, General Penalty. In the event of a continuing violation, each day shall constitute a separate offense. (Ord. No. 2008-06)