

BOROUGH OF KINNELON

ORDINANCE NO. 22-2025

**AN ORDINANCE TO AMEND CHAPTER 110 OF THE BOROUGH CODE TITLED
"DOGS AND OTHER ANIMALS"**

BE IT ORDAINED by the Mayor and Council of the Borough of Kinnelon, County of Morris and State of New Jersey, as follows:

Section 1. Pursuant to N.J.S.A.40:48-1, 40:49-2 and 40A:9-165, the Mayor and Council of the Borough of Kinnelon hereby amend the Borough Code by repealing Chapter 110 titled "Dogs and Other Animals" and replacing it with the following:

Article I Licensing, Registration; Control

§ 110-1 Definitions.

§ 110-2 License and registration required.

§ 110-3 License and registration fees.

§ 110-4 Disposition of fees collected.

§ 110-5 Canvass of dogs or cats in Borough.

§ 110-6 Restrictions on public and private property.

§ 110-6.1 Dogs to be leashed.

§ 110-6.2 Dogs at large.

§ 110-7 Appointment of Animal Control Officer.

§ 110-8 Impoundment of dogs or cats at large; notice to owner; disposition of unclaimed dogs or other animals.

§ 110-9 Administration and enforcement.

§ 110-10 New Jersey licensed animal facility open for inspection and examination.

§ 110-11 Animals that habitually create excessive noise.

§ 110-12 Injury to persons or damage to property.

§ 110-13 Injuring domestic animals.

§ 110-14 Commercial establishments, sale of dogs or cats.

§ 110-14.1 Violations and penalties.

§ 110-1 Definitions.

For the purposes of this article, the terms used herein are defined as follows:

ANIMAL CONTROL OFFICER

A certified municipal animal control officer or, in the absence of such an officer, the chief law enforcement officer of the municipality or their designee.

ANIMAL RESCUE ORGANIZATION

An individual or group of individuals who, with or without salary or compensation, house and care for homeless animals in the home of an individual or in other facilities, with the intent of placing the animals in responsible, more permanent homes as soon as possible.

ANIMAL RESCUE ORGANIZATION FACILITY

The home or other facility in which an animal rescue organization houses and cares for an animal.

AT LARGE

Off the property of the owner and not on a leash. This does not apply when a dog is confined within a vehicle.

CAT

Any member of the domestic feline species.

CAT OF LICENSING AGE

Any cat that has obtained the age of seven months.

DOG

Any canine or a canine hybrid.

DOG OF LICENSING AGE

Any dog which has attained the age of seven months. (N.J.S.A. 4:19-15.1)

DOMESTIC ANIMAL

Any cat, dog, or livestock.

FEED

To give, place, expose, deposit, distribute, or scatter any edible material with the intention of feeding, attracting, or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

IMMEDIATELY

At once, without delay.

KENNEL

Any establishment wherein or whereupon the business of boarding or selling dogs or breeding dogs for sale is carried on, except for a pet shop (N.J.S.A. 4:19-15.1)

NEW JERSEY LICENSED ANIMAL FACILITY

An establishment for the confinement of dogs or other animals seized under the provisions of this article, state statutes or otherwise.

OWNER

When applied to proprietorship of a dog or cat, every person having a right of propriety of such dog or cat, and every person who has such dog, cat or other animal in their keeping or under their control, 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

Any dog (other than a trained service animal), cat, rodent, turtle, bird, fish or other animal kept for pleasure rather than for commercial purposes on the property of the owner.

PET WASTE MATERIAL

Waste material expelled from the bowels of the pet; excrement.

POTENTIALLY DANGEROUS DOG Any dog or dog hybrid declared potentially dangerous by a municipal court pursuant to Section 7 of P.L. 1989, c. 307 (N.J.S.A. 4:19-23).

VICIOUS DOG Any dog or dog hybrid declared vicious by a municipal court pursuant to Section 6 of P.L. 1989, c. 307 (N.J.S.A. 4:19-22).

PROPERLY DISPOSE

Pet waste should be bagged and placed in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector.

TRAINED SERVICE ANIMAL

An animal required because of a disability which has been trained to perform a specific task or work, as defined by the Americans with Disabilities Act. The task must be directly related to the disability.

WILDLIFE

All animals that are neither human nor domesticated.

§ 110-2 License and registration required.

Any person who shall own, keep or harbor a dog or cat of licensing age shall, within 10 days after the acquisition thereof, and annually thereafter in the month of January, apply for and procure from the Borough Clerk a license and official metal registration tag for each such dog or cat so owned, kept or harbored and shall place upon each such dog or cat a collar or harness with the registration tag securely fastened thereto. Such license shall state the breed, sex, age, name, color and markings of the dog or cat for which the license and registration are sought, whether it is of a long- or short-haired variety, and the name, street and post office address of the owner and the person who shall keep or harbor such dog or cat.

§ 110-3 License and registration fees.

A.

Persons applying for a license shall pay a fee of \$20 for each licensed dog, \$10 for each licensed cat (if the dog or cat is spayed or neutered) or a fee of \$23 for each licensed dog, \$12 for each licensed cat (if the dog or cat is not spayed or neutered). All such licenses, registration tags and renewals shall expire on the last day of December each year. Dogs used as guides for blind persons and commonly known as "Seeing Eye" 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 therefor.

B.

The owner of a potentially dangerous/vicious dog shall pay a special annual fee of \$700 for a potentially dangerous/vicious dog license, in addition to, and on the same schedule as the fees indicated in Subsection A above.

C.

Any person who shall own, keep or harbor a dog or cat of licensing age which is found to be unlicensed after March 1 shall be required to pay a late charge of \$10 in addition to the required license fee.

D.

Newly acquired dogs or cats must be licensed no later than 10 days after acquisition or of attaining licensing age.

§ 110-4 Disposition of fees collected.

The disposition of license fees and registration fees collected hereunder shall be in accordance with N.J.S.A. 4:19-15.11.

§ 110-5 Canvass of dogs and cats in Borough.

The Animal Control Officer of the Borough may cause a canvass to be made of all dogs and cats owned, kept or harbored within the Borough for the purpose of licensing enforcement.

§ 110-6 Restrictions on public and private property.

A.

No person owning, harboring, keeping or in charge of any dog shall permit or take such animal upon the lawn, yard, entranceway or driveway of any private property whatsoever without the consent of the property owner.

B.

Dogs (except service animals) are prohibited from or in any municipal parks, playfields, playgrounds, play areas, school property or other municipal property, except public roads, unless authorized by the Borough.

C.

Dogs and cats (except service animals) are prohibited from any retail food establishment and may only be permitted in a non-retail food establishment with the expressed permission of the store owner.

§ 110-6.1 Dogs to be leashed.

No person owning, harboring, keeping or in charge of any dog shall allow or permit such dog to go upon any public streets, or in any of the public places or semipublic areas of multi-dwelling complexes within the Borough unless such is accompanied by a person and is securely confined and controlled by an adequate physical leash which may not exceed six feet in length.

§ 110-6.2 Dogs at large.

A.

It shall be unlawful for any person owning, keeping, harboring or having the custody and possession of any dog, whether registered or not, to permit such dog to be at large within the Borough.

B.

Dogs on their owner's property must be leashed or otherwise prohibited from leaving the property unattended.

§ 110-7 Appointment of Animal Control Officer.

The Borough Council is hereby authorized and empowered to appoint an Animal Control Officer in accordance with N.J.S.A. 4:19-15.16a et seq. and the rules promulgated thereunder. The Animal Control Officer shall have the full power and authority to carry out the provisions of this chapter. The Borough Council shall fix the compensation to be paid to such person or persons so appointed and shall pay the same out of the monies of the Borough.

§ 110-8 Impoundment of dogs or cats at large; notice to owner; disposition of unclaimed dogs or other animals.

A.

The Animal Control Officer or Chief Law Enforcement Officer, or his or her designee, shall take into custody and impound or cause to be taken into custody and impounded, and thereafter destroyed or offered for adoption as provided in this section:

(1)

Any dog or other animal off the premises of the owner or of the person keeping or harboring said dog or other animal which said official or their agent or agents have reason to believe is a stray;

(2)

Any dog or other animal off the premises of the owner or of the person keeping or harboring said animal without a current registration tag on its collar;

(3)

Any female dog or other animal in season off the premises of the owner or of the person keeping or harboring said dog or other animal;

(4)

Any dog or other animal which is suspected to be rabid;

(5)

Any dog or other animal off the premises of the owner reported to, or observed by, a certified animal control officer to be ill, injured or creating a threat to public health, safety or welfare, or otherwise interfering with the enjoyment of property.

B.

If any animal so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, or the owner or the person keeping or harboring said animal is known, any person authorized by the governing body shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said animal, if known, a notice in writing stating that the animal has been seized and will be liable to be offered for adoption or destroyed if not claimed within seven days after the service of the notice. A notice under 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 abode, 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 abode, or to the address given on the collar.

C.

Any person authorized by the governing body may cause an animal to be destroyed in a manner causing as little pain as possible and consistent with the provisions of N.J.S.A. 4:22-19 or to be offered for adoption seven days after seizure; provided that:

(1)

Notice is given as set forth above and the animal remains unclaimed; or

(2)

The owner or person keeping or harboring the animal has not claimed the animal and paid all expenses incurred by reason of its detention, including maintenance costs not exceeding \$4 per day; or

(3)

The owner or person keeping or harboring a dog or cat which was unlicensed at the time of seizure does not produce a license and registration tag for the dog or cat.

D.

At the time of adoption, the right of ownership in the animal shall transfer to the new owner. No dog or other animal so caught and detained or procured, obtained, sent or brought to a pound or shelter shall be sold or otherwise made available for the purpose of experimentation. Any person who sells or otherwise makes available any such dog or other animal for the purpose of experimentation shall be guilty of a crime of the fourth degree.

E.

After observation, any animal seized under this section suspected of being rabid shall be immediately reported to the executive officer of the local board of health and to the Department of Health and Senior Services.

§ 110-9 Administration and enforcement.

A.

The Animal Control Officer of the Borough shall be responsible for all dogs or cats impounded or taken into custody under the provisions of this article or state statutes and shall designate the place where such dogs and cats are to be impounded or held in custody.

B.

Except for the issuance of dog or cat licenses, which shall be done by the office of the Borough Clerk, this article shall be enforced by the Animal Control Officer of the Borough. However, nothing herein shall be deemed to prohibit any police officer of the Borough from enforcing any provisions hereof.

§ 110-10 New Jersey licensed animal facility open for inspection and examination.

All New Jersey licensed animal facilities for dogs or other animals shall be open at all times for inspection and examination by the Borough Health Department.

§ 110-11 Animals which habitually create excessive noise.

A.

It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control

Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

(1)

Vocalizing (howling, yelping, barking, squawking, etc.) for five minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or

(2)

Vocalizing for 20 minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

B.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

§ 110-12 Injury to persons or damage to property.

No person owning, harboring, keeping or in charge of any dog or other animal shall allow or permit it to do any injury to any person or to do any damage to any lawn, shrubbery, flowers, garden, grounds or property of another person or to any public property.

§ 110-13 Injuring domestic animals.

No person owning, keeping or harboring a dog or other animal shall allow or permit it to do any injury or damage to any domestic animals.

§ 110-14 Commercial establishments, sale of dogs or cats.

A.

Operating a commercial dog breeding, boarding or kennel or day-care type service is prohibited on any residential property.

B.

Sale.

(1)

The sale, or offer for sale, of dogs or cats in any commercial establishment in the Borough is prohibited.

(2)

Nothing in this section shall be construed to prohibit a retail pet store or other commercial establishment from providing space to an animal rescue organization or an animal shelter to publicly showcase dogs or cats available for adoption.

(3)

An animal rescue organization or animal shelter may offer dogs or cats for adoption at their facility.

(4)

Animal rescue organization does not include any entity that breeds animals or that: 1) is located on the same premises as; 2) has any personnel in common with; 3) obtains, in exchange for payment or any other form of compensation, dogs or cats from; or 4) facilitates the sale of dogs or cats obtained from a person or establishment that breeds animals.

§ 110-14.1 Violations and penalties.

The following penalties shall be imposed for any violation of this Article

(a) One hundred dollars (\$100) for first offense within a calendar year;

(b) One hundred fifty dollars (\$150) for second offense within a calendar year;

(c) Two hundred dollars (\$200) for third offense within a calendar year.

(d) For a fourth or subsequent offense, a fine not to exceed one thousand dollars (\$1,000) or imprisonment in the county jail for a term not to exceed 90 days or community service not to exceed 90 days. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 2. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Kinnelon declares that it would have passed the ordinance and each section thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take immediate effect upon passage and publication according to law.

Adopted ___/___/___ on roll call vote as follows:

	Introduced	Seconded	AYES	NAYES	ABSENT	ABSTAIN
Chirido						
Mabey						
Frank						
Lewis						
Reckler						
Harriz						

APPROVED:

JAMES FREDA, MAYOR

Attest:

KAREN IUELE

Borough Clerk