

Chapter 5 ANIMALS AND FOWL

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[HISTORY: Adopted by the Mayor and Council of the Borough of Wenonah: Art. I, 2-11-1960; Art. II, 7-9-1948; Art. III, 5-24-1946; Art. IV, 11-14-1991. Amendments noted where applicable.]

ARTICLE I Pets, Dogs, Kennels and Stray Animals [Adopted 2-11-1960; amended 4-14-1983; 12-29-1983; 6-8-1989; 3-23-06 by Ord. No. 0-06-01]

§ 5-1. 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.

ANIMAL WARDEN — A person, corporation or county agency employed by the Borough to enforce the appropriate provisions of this ordinance. For purposes of this ordinance, "Animal Warden" and "Dog Warden" are synonymous. [Added 6-8-1989]

BOROUGH — The Borough of Wenonah in the County of Gloucester.

DOG — Any carnivorous domesticated mammal (*canis familiaris*) whether male or female, regardless of age.

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

KENNEL — 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/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, company, firm, partnership, corporation, 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 SHOP — Any room or group of rooms, case or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

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

POUND — An establishment for the confinement of dogs seized, either under the provisions of this ordinance or otherwise.

PROPER DISPOSAL — Placement 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, or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

SHELTER — Any establishment where dogs are received, housed and distributed without charge.

§ 5-2. License required; fee. [Amended 9-8-1966; 11-10-1977; 7-24-1980; 9-10-1981; 6-8-1989]

- A. Every person who shall own, possess, keep or harbor any dog or dogs within the limits of the Borough of Wenonah shall obtain an annual license for each individual dog and shall have the same registered and numbered with the Borough Clerk or Municipal Finance Officer and for each such license shall pay a fee of seven dollars (\$7.). An additional fee of five dollars (\$5.) is assessed for each unspayed/ unneutered dog unless written proof, either by a veterinarian or a signed, notarized statement by the owner of neutering or spaying is presented. [Amended 2-28-2002 by Ord. No. 01-28; 8-26-2004 by Ord. No. O-04-12]
- B. Additionally, the Municipal Finance Officer shall grant no license or registration unless and until the owner thereof provides evidence that the dog to be licensed and registered has been inoculated with a rabies vaccine of a type

approved by and administered in accordance with the recommendation of the State Department of Health or has been certified exempt therefrom as provided by regulations of the State Department of Health. Such vaccination shall be repeated at intervals as provided by regulations of the State Department of Health and shall be administered by a duly licensed veterinarian permitted by law to do the same. The State Department of Health shall promulgate regulations providing for the recognized duration of immunity, interval of inoculation, certificate of vaccination, certificate of exemption and such other matters related to this act. All such license fees shall be paid and collected as hereinafter provided.

§ 5-3. Ownership defined. [Amended 3-23-2006 by Ord. No. 0-06-01]

Any person who harbors or possesses any dog for a period of 14 days or more shall, for the purpose of this ordinance, be deemed to be the owner of the dog or dogs so harbored or possessed.

§ 5-4. Seeing Eye dogs.

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.

§ 5-5. Application for license. [Amended 6-8-1989]

The owner of a newly acquired dog of licensing age or of any dog which attains licensing age shall make application for a license and registration tag for such dog within 10 days after such acquisition or age attainment. The minimum licensing age for a dog shall be six months.

§ 5-6. Processing of application. [Amended 6-8-1989]

All applications for dog licenses shall be made to the Municipal Finance Officer of the Borough of Wenonah, who shall provide a book for the purpose of registering the name of the person or persons owning, keeping, possessing or harboring any dog or dogs and the name of each dog registered, and its number shall be entered therein and numbers for each application for registration for such dog or dogs shall be in the order in which the applications are made. The application shall state the breed, sex, age, color and markings of the dog for which the 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 dog. The information on said application and the registration number issued for the dog shall be preserved for a period of three years by the Municipal Finance Officer. In addition, the Municipal Finance Officer shall forward similar information to the State Department of Health each month, on forms furnished by said Department.

§ 5-7. Issuance of licenses; deadline; substitute tags. [Amended 1-24-1985; 6-8-1989; 2-28-2002 by Ord. No. 01-28]

The owner of every dog shall pay the license fees hereinbefore provided to the Municipal Clerk or Finance Officer on or before the last day of March in each year. All license fees must be in the hands of the Municipal Clerk or Finance Officer on or before the close of business on March 31, except that, should March 31 fall on a Saturday or Sunday or should for any other reason the Municipal Office be closed on March 31, then the deadline for payment shall be extended until the close of business on the first day in April that the Municipal Office is open for business. Payment received by mail postmarked on or before March 31 shall be considered paid on time regardless of the date actually received by the Municipal Clerk or Finance Officer. Upon receipt of said license fee and upon the presentation of a current rabies certificate, the Municipal Clerk or Finance Officer shall thereupon issue to each person paying such license fee a license for the keeping of such dog or dogs, which license shall contain the name and address of such dog or dogs and a short description of the dog indicating breed, sex, color, markings, age and also the number of such license and shall bear the signature of the Municipal Clerk or Finance Officer. All such licenses shall expire on the last day of March in each year and shall be renewed on or before the 31st day of March of each year as herein described. The Municipal Clerk or Finance Officer shall also issue for each dog licensed a numbered metal tag designated as a registration tag, which tag shall be securely attached to a strap or collar worn around the neck of each dog so licensed, and each tag shall have marked thereon the words "Licensed dog, Wenonah, New Jersey," with the year for which it is issued. The Municipal Clerk or Finance Officer may issue substitute tags upon proof, in writing, from the owner or member of the owner's household above the age of 14 years sufficient to satisfy the Municipal Clerk or Finance

Officer of the loss of the original tag. Any owner so obtaining such substitute tag or tags shall pay an additional registration fee of \$2 for each and every substitute tag. Late application shall result in an additional assessment of \$10 for issuance of each individual license as hereinabove described.

§ 5-8. Failure to procure license. [Amended 1-24-1985; 6-8-1989; 2-28-2002 by Ord. No. 01-28]

Every person who shall own, keep, possess or harbor any dog or dogs in the Borough of Wenonah who shall neglect or refuse to cause such dog or dogs to be licensed in the manner provided in § 5-7 shall be guilty of a violation of this ordinance; provided, however, that any owner of a dog bringing a dog into the Borough of Wenonah which had been licensed in another state for the current year, and bearing a registration tag, who shall keep the same or permit the same to be kept within the Borough of Wenonah for a period of more than 90 days shall immediately apply for a license and registration tag for each such dog and provided, further, that any person who shall bring or cause to be brought into the Borough of Wenonah any unlicensed dog and shall keep the same or permit the same to be kept within the Borough of Wenonah for a period of more than 10 days shall immediately apply for a license and registration tag for each such dog.

§ 5-9. Registration tag rules.

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

§ 5-10. Specific violations.

Any dog owner who shall suffer or permit his unlicensed dog to run at large or who shall suffer or permit his dog, whether licensed or not, to run at large without the tag provided for in § 5-7 of this ordinance, or who shall cause or permit his unlicensed dog to wear such a tag, shall be guilty of a violation of this ordinance.

§ 5-11. Prohibited animal facilities.

It shall be unlawful for any person to keep, maintain, operate or in any manner conduct any kennel, pet shop, shelter or pound within the borough.

§ 5-12. Additional specific violations. [Amended 3-23-2006 by Ord. No. 0-06-01]

Any person owning, keeping or harboring any dog, whether the dog be licensed or unlicensed, who shall suffer or permit said dog to run at large in or about the streets, highways or public places of the Borough of Wenonah or to run at large upon lands and premises of any person other than the owner or persons in possession of said dog without permission of said landowner first obtained in writing shall be guilty of violation of this ordinance.

§ 5-13. Annoyance of neighbors; notice to desist. [Amended 12-11-1986; 3-23-2006 by Ord. No. 0-06-01]

No person who owns, keeps, harbors or possesses any dog or dogs shall suffer or permit such dog or dogs to annoy neighbors and other persons living within the immediate vicinity by maintaining or permitting any accumulation of filth or source of foulness emanating from animal excrement or animal decay of any type or character, to the extent that it shall constitute an odor nuisance which is hazardous to the mental or physical health of any inhabitant of the Borough or the State of New Jersey; nor shall any person who owns, keeps, harbors or possesses any dog or dogs permit such dog or dogs to annoy neighbors and other persons living within the immediate vicinity by frequent or habitual howling, yelping or barking. For the purpose of this ordinance, "noise disturbance from a barking, yelping or howling dog" may be defined as that created by a dog continuously for 10 minutes or intermittently for 30 minutes.

§ 5-14. Annual dog census. [Amended 1-24-1985; 2-28-2002 by Ord. No. 01-28; 3-23-2006 by Ord. No. 0-06-01]

The Chief of Police of the Borough of Wenonah shall, promptly after March 31 of each year, cause a canvass to be completed of all dogs owned, kept or harbored within the limits of the Borough of Wenonah and shall report to the Tax

Collector and to the Secretary of the Board of Health of the Borough of Wenonah and to the State Department of Health the result thereof, setting forth in separate columns the names and addresses of the persons owning, keeping or harboring said dogs, the number of unlicensed dogs owned, kept or harbored by each of said persons, together with a complete description of each said unlicensed dog and the approximate age thereof.

§ 5-15. Disposition of moneys. [Amended 9-8-1966; 9-10-1981; 12-29-1983; 6-8-1989; 3-23-2006 by Ord. No. 0-06-01]

License fees and other moneys collected or received under the provisions of this ordinance, except registration tag fees, shall be forwarded to the Municipal Finance Officer of the Borough of Wenonah within 30 days after collection or receipt and shall be placed in a special account separate from any of the other accounts of the Borough, which funds shall be used for the following purposes only: for collecting, keeping and disposing of dogs liable to seizure under this ordinance; for local prevention and control of rabies; for providing antirabic treatment under the direction of the local Board of Health for any person known or suspected or have been exposed to rabies; for payment for damage to or losses of poultry or domestic animals, except dogs and cats, caused by a dog or dogs. 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 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 municipality any amount then in such account which is in excess of the total amount paid into said special account during the last two fiscal years next preceding.

§ 5-16. Interfering with officials. [Amended 3-23-2006 by Ord. No. 0-06-01]

Any person who shall in any way hinder or interfere with the Dog Warden, police officers or officials, canvassers or any other peace officers in the performance of their duty under the provisions of this ordinance or who shall refuse to give information to any person making the canvass herein provided for or who shall take a dog from the dog pound of the Borough of Wenonah, except upon redeeming such dog in the manner as provided by this ordinance, or who shall break or injure such dog pound shall be deemed to have violated the provisions of this ordinance.

§ 5-17. Right of entry; exception. [Amended 3-23-2006 by Ord. No. 0-06-01]

Any officer or agent authorized or empowered to perform any duty under this ordinance is hereby authorized to go upon any premises to seize, for impounding, any dog or dogs which he may lawfully seize or 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; provided, however, that in the case of a vicious dog such officer may seize the same even upon the premises of the owner, regardless of objections.

§ 5-18. Muzzling upon proclamation of Mayor. [Amended 3-23-2006 by Ord. No. 0-06-01]

Whenever a proclamation shall be made by the Mayor of the Borough of Wenonah pursuant to a resolution of the Borough Council requiring the muzzling of dogs, no person owning, keeping, possessing or harboring any dog shall permit or suffer such dog to run at large in any of the streets, highways, alleys or public places of the Borough of Wenonah during the time provided for in such proclamation, unless such dog is securely muzzled.

§ 5-19. Abandoning animals prohibited. [Amended 3-23-2006 by Ord. No. 0-06-01]

Any person who shall abandon or leave uncared for any dog, cat or other domestic animal upon any street, highway, alley or other public place in the Borough of Wenonah or upon lands and premises owned or occupied by any person other than the owner or person in possession of such dog, cat or other domestic animal shall be guilty of a violation of this ordinance. It shall also be unlawful for any person to abandon or leave without proper care any dog, cat or other domestic animal even though it is left abandoned upon lots and premises owned or occupied by the person in possession of such dog, cat or other domestic animal.

§ 5-20. Violations and penalties. [Amended 6-8-1989; 2-28-2002 by Ord. No. 01-28; 3-23-2006 by Ord. No. 0-06-01]

Any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be

punishable by a fine in an amount not less than \$25. nor more than \$50.; upon a second violation, a fine in an amount not less than \$50. nor more than \$100.; and upon a third or subsequent violation, a fine in an amount not less than \$100. nor more than \$250.; and/or a period of community service not to exceed ten (10) days. Whenever such person shall have been officially notified or by service of a summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty.

§ 5-21. Severability. [Amended 3-23-2006 by Ord. No. 0-06-01]

If any section, paragraph, subsection, clause or provision of this ordinance shall be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of this ordinance as a whole or any other part thereof.

§ 5-22. Inconsistent ordinances repealed. [Amended 6-8-1989; 3-23-2006 by Ord. No. 0-06-01]

All prior ordinances or parts of ordinances inconsistent with this ordinance be and the same are hereby repealed to the extent of such inconsistencies.

§ 5-23. Effective date. [Amended 3-23-2006 by Ord. No. 0-06-01]

This ordinance shall take effect immediately upon its passage and publication as required by law.

§§ 5-24 - 5-34. (Reserved)

ARTICLE II Sheltering of Animals and Fowl [Adopted 7-9-1948]

§ 5-35. Improper sheltering of animals and fowl; penalty. [Amended 12-29-1983; 3-23-06 by Ord. No. 0-06-01]

It shall be unlawful to keep live chickens, turkeys, ducks, geese, pigeons or other fowl and nondomesticated animals outside of any residence building and/or within 150 feet of any neighboring property line within the limits of the Borough of Wenonah. Any person or persons violating this section shall be liable for a penalty not exceeding \$100. for each day of such violation.

§ 5-36. Certain animals prohibited. [Amended 12-29-83; 6-8-89]

It shall be unlawful to keep swine, sheep, goats, cattle, ponies or horses or more than three (3) rabbits, dogs or cats per household; provided, however, that any newborn offspring so kept, harbored or maintained may be kept on the premises for a period not to exceed ninety (90) days after birth. Any person or persons violating this ordinance shall be liable for a penalty not exceeding two hundred dollars (\$200.) for each day of any such violation.

§ 5-37. (Reserved)¹

§ 5-38. Repealer.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

§ 5-39. (Reserved)

ARTICLE III Horses [Adopted 5-24-1946]

§ 5-40. Prohibition. [Amended 12-29-1983; 12-27-1990]

It shall be unlawful for any person or persons to ride or to walk any horse on any of the streets, avenues, highways, sidewalk areas or rights-of-way or upon any borough-owned lands within the limits of the Borough of Wenonah. This prohibition may be waived by the Borough Council for purposes of a parade or any other special event or circumstances so designated by the Borough Council.

§ 5-41. (Reserved)²

§ 5-42. (Reserved)³

§ 5-43. (Reserved)⁴

§ 5-44. (Reserved)⁵

§ 5-45. Violations and penalties. [Amended 12-29-83; 3-23-2006 by Ord. No. 0-06-01]

Any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be punishable by a fine in an amount not less than \$25. nor more than \$50.; upon a second violation, a fine in an amount not less than \$50. nor more than \$100.; and upon a third or subsequent violation, a fine in an amount not less than \$100. nor more than \$250. and/or a period of community service not to exceed ten (10) days. Whenever such person shall have been officially notified or by a service of a summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty.

§§ 5-46 through 5-49. (Reserved)

ARTICLE IV Cats [Adopted 11-14-1991]

§ 5-50. Definitions.

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

ANIMAL WARDEN — A person, corporation or county agency employed by the borough to enforce the appropriate provisions of this ordinance.

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

CAT OF LICENSING AGE — Any cat which has attained the age of seven (7) months or which possesses a set of permanent teeth.

CATTERY -- Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein cats for sale are kept or displayed.

LICENSING AUTHORITY -- The Registrar of Vital Statistics or any other person, official or agency of the Borough of Wenonah, as designated from time to time by the Mayor and Council, thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this ordinance.

NEUTERED -- Rendered permanently incapable of reproduction as certified by a licensed veterinarian.

OWNER -- When applied to the proprietorship of a cat, includes 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 -- Any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.

§ 5-51. Vaccination and licensing.

- A. Requirements. No person shall own, keep, harbor or maintain any cat over seven (7) months of age within the Borough of Wenonah, including those cats held in a cattery, unless such cat is vaccinated and licensed in accordance with this ordinance.
- B. Vaccination. All cats shall be vaccinated against rabies by a licensed veterinarian in accordance with guidelines and recommendations published by the National Association of State Public Health Veterinarians.
- C. Vaccination certificate. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the State of New Jersey.
- D. Exemptions. Any cat may be exempted from the requirements of such vaccination for a specified period of time by the local 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. However, any such exemption granted shall immediately become null and void if such a cat shall be allowed freedom of movement so as to cause possible contact with wildlife.

§ 5-52. Licensing requirements.

- A. Display of license number. Any owner of a cat shall annually apply for and procure from the licensing authority a license and official registration tag with license number, or a registration sleeve for each cat so owned, and shall place upon such cat a collar or other device with the license number securely fastened or displayed thereto. Acceptable methods of displaying license numbers shall include but are not limited to breakaway or elastic collars. License tags or sleeves are not transferable.
- B. 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 for license tag or sleeve for such cat within ten (10) days after such acquisition or age attainment. This requirement will not apply to a nonresident keeping a cat within the Borough of Wenonah for no longer than thirty (30) days.
- C. Cats brought into jurisdiction.
 - (1) Any person who shall bring or cause to be brought into the Borough of Wenonah any cat licensed in another jurisdiction for the current year and bearing a registration tag or sleeve issued from said other jurisdiction and shall keep or permit the same to be kept within the Borough of Wenonah 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 of Wenonah any unlicensed cat from another jurisdiction for a period of more than 10 days shall immediately apply for a license and registration tag or sleeve for each such cat.
- D. Licensing period; renewal. The owner of every cat shall pay the license fees hereinafter provided for to the licensing authority on an annual calendar year basis. All license fees must be paid for by March 31 of each year. Payment received by mail postmarked on or before March 31 shall be considered paid timely. If March 31 falls on a weekend, holiday or other day when the offices of the licensing authority are not open, then the next available business day following March 31 when said offices are open shall count as the same. Where licensing is called for at some point within the year as required in § 5-52B or C, then a license shall be issued for the remainder of the then-current year, with a renewal required by March 31 of the

following years as called for herein. [Amended 2-28-2002 by Ord. No. 01-28]

- E. Application; contents; preservation of information. The application shall state the breed, sex, age, color, name (if any) and markings of the cat for which license and registration are sought, and whether it is of a long- or shorthaired variety; also the name, street and post office address of the owner and the person who is the owner of the cat. The information on said application and the registration number issued for the cat shall be preserved for a period of three years by the licensing authority.
- F. License forms and tags. License forms and official tags or sleeves shall be furnished by the Borough of Wenonah and shall be numbered serially and shall bear the year of issuance and the name of the municipality.
- G. Evidence of inoculation with rabies vaccine or certification of exemption; requirement for license. The licensing authority shall not grant any such license and official registration tag or sleeve for any cat unless the owner hereof 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 for in § 5-51 of this ordinance. 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 license fee of \$10. An additional fee of \$5 is assessed for each unspayed/unneutered cat unless written proof is submitted by a licensed veterinarian evidencing that a neutering or spaying had taken place. Applications for licensing after the due date shall be assessed an additional late fee of \$10 for the late issuance of each individual license. [Amended 2-28-2002 by Ord. No. 01-28]
- I. Expiration of license. Any license issued pursuant to this ordinance is deemed to be valid and in effect for the year given and until March 31 of the following year. [Amended 2-28-2002 by Ord. No. 01-28]
- J. Loss of license. If a license tag or sleeve has been misplaced or lost, the licensing authority may issue a duplicate license and/or registration sleeve for that particular cat at a fee of \$2, upon written request of the owner, setting forth the circumstances of the lost tag or sleeve and requesting a replacement.
- K. Proof of licensing. Proof of licensing shall be maintained and produced by any owner of a cat upon the request of any health official, police officer, Animal Warden, licensing authority or other person authorized by the Mayor and/or Borough Council.

§ 5-53. Other requirements.

- A. Interfering with persons performing duties under this ordinance. No one shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this ordinance.
- B. Specific violations. Any owner who fails to obtain a cat license under the provisions of this ordinance within the time periods specified or who permits a duly registered cat to run at large outside of a home without the proper display of a valid registration tag as called for in § 5-52A, shall be guilty of a violation of this ordinance.
- C. Prohibited cat facilities. It shall be unlawful for any person to keep, maintain, operate or in any manner conduct any kennel, pet shop, shelter or pound having cats within the Borough of Wenonah.
- D. Seizure of unlicensed cats; impounding. Any cat or cats not licensed pursuant to the provisions of this ordinance shall be subject to seizure by the duly appointed Animal Warden or any other person, corporation or authority appointed or designated for said purpose by the Mayor and Borough Council, including Police Officers of the Borough of Wenonah. Any cat who shall not have a registration tag securely fixed or fastened to its neck as called for in this ordinance shall be deemed unlicensed and subject to seizure. Any

cat seized and impounded shall be kept in an approved facility by the Animal Warden for a reasonable period of time and then destroyed in a humane manner in accordance with the laws governing the same.

- E. Other prohibitions. Any owner who shall permit a cat to run at large upon the lands and premises of another person or upon the streets, highways or public places of the Borough of Wenonah shall be guilty of a violation of this ordinance. No owner shall permit a cat to do any damage to any lawn, shrubbery, flowers, grounds or property or to do any injury upon another person.
- F. Seizure of cats; particular circumstances. Any cat, whether licensed or not, that is known to have, or is suspected of having, bitten, scratched, wounded or otherwise injured any person or persons or has chased, attacked or caused fear upon any person is subject to either seizure by or surrender to the duly appointed Animal Warden, Chief of Police, Department of Health official or any other borough official in a position of authority. In any such event, any cat so seized or surrendered shall be quarantined in any acceptable facility, in a humane manner and for a reasonable time until, upon the determination of the Wenonah Board of Health or such authority of competence as appointed by the Mayor and Borough Council that the cat does not pose a threat to the safety and health of the public. If such a determination cannot be reached or if a determination that the cat is a threat to the safety and/or health of the public is reached, then the borough shall proceed in accordance with law in having the cat destroyed in a humane manner or such other course of action as is deemed necessary.
- G. Disposition of fees collected. License fees and other moneys collected or received under the provisions of this ordinance are to be disposed of in the same manner as called for in § 5-25 of this ordinance (as to dogs) except that, where applicable, funds shall be applied toward purposes having to do with cats.
- H. Right of entry; exception. Any officer or agent authorized or empowered to perform any duty under this ordinance is hereby authorized to go upon any premises to seize, for impounding, any cat or cats which he may lawfully seize or impound when such an officer is in immediate pursuit of such cat or cats, except upon the premises of the owner of the cat if said owner is present and forbids the same; provided, however, that in the case of a cat that has caused injury to a person or is deemed to be a threat to the safety of the public, such officer may seize the same even upon the premises of the owner, regardless of objections.

§ 5-54. Violations and penalties.

Any person or persons found guilty of violating any provision of Article IV of this ordinance shall be subject to the same fines, penalties and other dispositions as called for in § 5-30 (Article I) as to dogs, kennels and stray animals.

ARTICLE V Animal and Pet Waste [Adopted 3-23-2006 by Ord. No. 0-06-01]

§ 5-55. Purpose.

The purpose of this ordinance is to establish requirements for the proper disposal of animal and pet solid waste in the Borough of Wenonah, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 5-56. 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.

§ 5-57. Exemptions.

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this Article while such animal is being used for that purpose.

§ 5-58. Enforcement.

The provisions of this Article shall be enforced by the Police Department and/or the Local Board of Health of the Borough of Wenonah.

§ 5-59. Violations and penalties.

Any person violating or failing to comply with any of the provisions of this Article shall, upon conviction thereof, be punishable by a fine in an amount not less than \$25. nor more than \$50.; upon a second violation, a fine in an amount not less than \$50. nor more than \$100.; and upon a third or subsequent violation, a fine in an amount not less than \$100. nor more than \$250.; and/or a period of community service not to exceed ten (10) days. Whenever such person shall have been officially notified or by service of a summons in a prosecution, or in any other official manner, that said person is committing a violation, each day's continuance of such violation after such notification shall constitute a separate offense, punishable by a like fine or penalty.

§ 5-60. Severability.

Should any section, clause, sentence, phrase or provision of this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

§ 5-61. Repealer.

All prior ordinances or parts of ordinances inconsistent with this ordinance be and the same are hereby repealed to the extent of such inconsistencies.

¹ Editor's Note: Former § 5-37, Approval of facilities required; violation penalty, was repealed 12-29-83.

² Editor's Note: Former § 5-41. Immediate control of horse by rider, was repealed 12-29-83.

³ Editor's Note: Former § 5-42, Unattended horses prohibited, was repealed 12-29-83.

⁴ Editor's Note: Former § 5-43, Prohibited uses of streets, was repealed 12-29-83.

⁵ Editor's Note: Former § 5-44. Ill-treatment of horse prohibited, was repealed 12-29-83.

Chapter 5 ANIMALS AND FOWL

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