

ARTICLE I  
General Provisions

[Adopted 12-17-1973 by Ord. No. 1973-19 as part of Ch. VII of the 1973 Code]

**§ 136-1. Definitions.**

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

DOG — Any dog, bitch or spayed bitch.

DOG OF LICENSING AGE — Any dog which has attained the age of seven months or which possesses a set of permanent teeth.<sup>1</sup>

KENNEL — Any establishment wherein or whereon the business of boarding or selling dogs or breeding dogs for sale is carried on.

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

PET SHOP — Any room or group of rooms, cage or exhibition pen, not part of a kennel, wherein dogs for sale are kept or displayed.

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

**§ 136-2. (Reserved)<sup>2</sup>**

**§ 136-3. Licensing requirements, fees.**

A. License required. No person shall keep or harbor any dog within the Township except in compliance with this chapter and without first obtaining a license therefor from the registrar. Licenses shall be required of all dogs of licensing age, including:

- (1) Any dog acquired by any person during the course of any calendar year and kept within the Township for more than 10 days after acquisition.
- (2) Any unlicensed dog brought into the Township by any person and kept within the Township for more than 10 days.
- (3) Any dog licensed by another state brought into the Township by any person and kept within the Township for more than 90 days.

B. Application for license. Each application for a license under this section shall give the following information:

- (1) A general description of the dog sought to be licensed, including breed, sex, age, color and markings, and whether such dog is of a longhaired or shorthaired variety.
- (2) The name, street and post office address of the owner of and the person who shall keep

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1. Editor's Note: The original definition of "vicious dog," which immediately followed this definition, was deleted 8-3-1992 by Ord. No. 1992-6. See now Art. II of this chapter.

2. Editor's Note: Former § 136-2, Registrar of Dogs, was repealed 7-25-2019 by Ord. No. 2019-04.

or harbor such dog.

- C. Registration numbers shall be issued in the order in which applications are received.
- D. Date of application. Applications for licenses for dogs which are required to be licensed shall be made within 10 days of the day upon which the dog in question first becomes subject to the provisions of this Article.
- E. License record. The information on all applications under this Article and the registration number issued to each licensed dog shall be preserved for a period of three years by the Registrar. In addition, he shall report to the State Department of Health each month on forms furnished by the Department.
- F. Expiration date. Each dog license and registration tag shall expire on the last day of January of each year.
- G. Fees. **[Amended 10-15-1979 by Ord. No. 1979-14 ; 5-18-1981 by Ord. No. 1981-5 ; 12-21-1981 by Ord. No. 1981-10 ; 10-3-1983 by Ord. No. 1983-9 ; 12-16-1985 by Ord. No. 1985-17 ; 12-3-1990 by Ord. No. 1990-20 ]**
- (1) Applicable fees are detailed in the universal fee chart located in § 18-2, reference number 22, of the Code of the Township of Lumberton. **[Amended 12-5-2019 by Ord. No. 2019-17 ]**
- (2) Notwithstanding the licensing and registration provisions contained in Subsection G(1), the fee for issuing a special license for a potentially dangerous dog pursuant to Article II hereof shall be \$700 for said license for each dog and for each annual renewal, and said licenses, registration tags and renewals thereof shall expire on the last day of March of each year. Notwithstanding any other provisions of this Article, all fines and fees collected or received by the municipality pursuant to N.J.S.A. 4:19-29 through 4:19-31, or any amendments or supplements thereto, the enabling statute, shall be deposited in a special account and used by the municipality to administer and enforce the provisions of said statute.
- H. Exceptions. The provisions of this section shall not apply to any dog licensed under § 136-4 of this Article. Dogs used as guides for blind persons and commonly known as "Seeing Eye" dogs, dogs used to assist handicapped persons and commonly known as "service" dogs or dogs used to assist deaf persons and commonly known as "hearing ear" dogs shall be licensed and registered in the same manner as other dogs, except that the owner or keeper shall not be required to pay any fee. **[Amended 8-3-1992 by Ord. No. 1992-6 ]**

### **§ 136-4. Kennels and pet shops, fees.<sup>3</sup>**

- A. License required. Any person who keeps or operates or proposes to establish a kennel or pet shop shall apply to the Registrar for a license entitling him to keep or operate such establishment. Any person holding such license shall not be required to secure individual licenses for dogs owned by such licensee and kept at such establishments; such licenses shall not be transferable to another owner or different premises.

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3. Editor's Note: See Ch. 18, Fees.

**B. Application information.**

(1) The application shall contain the following information:

- (a) The name and permanent and local address of the applicant.
- (b) The street address where the establishment is located or proposed to be located, together with a general description of the premises.
- (c) The purposes for which it is to be maintained.

(2) Each application shall be accompanied by the written approval of the Health Officer of the Board of Health that the establishment or proposed establishment complies with local and state rules governing the location of and sanitation at such establishment.

**C. License term.** All licenses issued for a kennel or pet shop shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of June of each year. **[Amended 8-3-1992 by Ord. No. 1992-6 ]**

**D. License fees.** The annual license fees for kennel and pet shop licenses shall be as follows:

- (1) Kennel accommodating 10 or fewer dogs: \$10.
- (2) Kennel accommodating more than 10 dogs: \$25.
- (3) Pet shop: \$10.

**E. Compliance with state regulations.** All licenses issued for a kennel or pet shop shall be subject to revocation by the Township Committee on recommendation of the State Department of Health or the Board of Health for failure to comply with the rules and regulations of the State Department of Health or the Board of Health, after the owner has been afforded a hearing by either the State Department of Health or the Board of Health.

**F. Control of dogs off premises.** No dog kept in a kennel or pet shop shall be permitted off premises except on a leash or in a crate or under other safe control.

**G. Reports to State Health Department.** The Registrar shall forward to the State Department of Health a list of all kennels, pet shops and pounds licensed within 30 days after the licenses therefor are issued, which list shall include the name and address of the licensee and the kind of license issued.

**§ 136-5. Disposition of fees.**

**A. License fees and other moneys collected or received under the provisions of this Article, except the registration tag fees, shall be forwarded to the Chief Financial Officer within 30 days after collection or receipt and shall be placed in a special account separate from any of the other accounts of the Township and shall be used for the following purposes only: collecting, keeping and disposing of dogs liable to seizure under this Article; 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 Article.

- B. 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 Township any amount then in such account which is in excess of the total amount paid into the special account during the last two fiscal years next preceding.
- C. The registration tag fee for each dog shall be forwarded within 30 days after collection by the Registrar to the State Department of Health. **[Amended 8-3-1992 by Ord. No. 1992-6 ]**

### **§ 136-6. Dog canvass.**

The Registrar shall promptly after February 1 of each year cause a canvass to be made of all dogs owned, kept or harbored within the limits of the Township and shall report to the Clerk/Administrator, the Board of Health and the State Department of Health the results thereof, setting forth in separate columns the names and addresses of persons owning, keeping or harboring dogs; the number of licensed dogs owned, kept or harbored by each person, together with the registration number of each dog; the number of unlicensed dogs owned, kept or harbored by each person, together with a complete description of each unlicensed dog.

### **§ 136-7. Impoundment of dogs, procedure, causes.**

- A. Establishment of pound; Animal Control Officer. The Township Committee may by resolution establish a pound and appoint an Animal Control Officer. The Township Committee may by resolution enter into a contract with Animal Control Officers for the collection, keeping for redemption and destruction of all strays found within the Township limits in accordance with the provisions of this Article.
- B. Causes for impounding. The Animal Control Officer or any police officer may take into custody and impound or cause to be taken into custody and impounded any of the following dogs:
  - (1) Any unlicensed dog running at large in violation of the provisions of this Article.
  - (2) Any dog off the premises of the owner of or the person keeping or harboring such dog which such official or his agent has reason to believe is a stray dog.
  - (3) Any dog off the premises of the owner of or the person keeping or harboring such dog without a current registration tag on its collar.
  - (4) Any female dog in season off the premises of the owner of or the person keeping or harboring such dog.
  - (5) Any dog which has been determined to be a vicious dog as provided in Article II, provided that if such dogs cannot be seized with safety, they may be killed.
- C. Access to premises. Any officer or agent authorized or empowered to perform any duty under this Article is hereby authorized to go upon any premises to seize for impounding any dog

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.

D. Notice of seizure.

- (1) If any dog so impounded or seized wears a registration tag, collar or harness having inscribed thereon or attached thereto the name and address of any person or the owner of or the person keeping or harboring the dog is known, the Animal Control Officer or police officer shall immediately serve on the person whose address is given on the collar or on the person owning, keeping or harboring the dog a notice, in writing, stating that the dog has been seized and will be liable to be offered for adoption or destroyed if not claimed within seven days after service of the notice. **[Amended 8-3-1992 by Ord. No. 1992-6 ]**
- (2) A notice under this subsection 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 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.

E. Care of impounded dogs. It shall be the duty of the Animal Control Officer to keep male and female dogs separate at all times and to segregate and keep segregated all sick animals and animals suspected of being infected with any communicable disease. Every dog seized or impounded under this section shall be kept, fed and kindly treated by the Animal Control Officer for the period of time as provided by this section.

F. Destruction of unclaimed dogs. The Animal Control Officer or any person authorized under this Article to do so may cause the destruction of any unclaimed dog in as humane a manner as possible under any of the following contingencies:

- (1) When any dog so seized has not been claimed by the person owning, keeping or harboring such dog within seven days after notice or within seven days of the dog's detention when notice has not been or cannot be given, as set forth in the previous subsections.
- (2) If the person owning, keeping or harboring any dog so seized has not claimed the dog and has not paid all expenses incurred by reason of its detention, including the sum of \$5 for the first 12 hours and the sum of \$1 for each additional day thereafter.
- (3) If the seized dog is unlicensed at the time of its seizure and the person owning, keeping or harboring such dog has not produced a license and registration tag as provided in this Article.

**§ 136-8. Prohibited acts.**

No person shall own, keep or harbor a dog in the Township except in compliance with the provisions of this Article and the following regulations.

A. Wearing of registration. All dogs which are required by the provisions of this Article to be

licensed shall wear a collar or harness with the registration tag for such dog securely fastened thereto.

- B. Use of registration tags. 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.
- C. Interference with official duties. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this Article.
- D. Disturbing the peace. No person shall own, keep, harbor or maintain any dog which habitually barks or cries.
- E. Leashing of dogs. No person owning, keeping or harboring any dog shall permit it upon a public highway or outside of the premises occupied by the owner unless such dog is securely confined and controlled by an adequate leash not more than six feet long and is accompanied by a responsible person over the age of 12 years.
- F. 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.
- G. No person owning, harboring, keeping or in charge of any dog, cat or other animal shall cause, suffer or allow such dog, cat or other animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk or upon any public property whatsoever or upon any private property without the permission of the owner of such property. **[Added 4-6-1998 by Ord. No. 1998-13 ]**
- H. Any person owning, harboring, keeping or in charge of any dog, cat or other animal which soils, defiles, defecates on or commits any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk or upon any public property whatsoever or upon any private property without the permission of the owner of such property shall immediately remove all feces deposited by such dog, cat or other animal by any sanitary method approved by the local health authority. **[Added 4-6-1998 by Ord. No. 1998-13 ]**
- I. The feces removed from the aforementioned designated areas shall be disposed of by the person owning, harboring, keeping or in charge of any such dog, cat or other animal in accordance with the provisions of this section, in a sanitary manner approved by the local health authority. **[Added 4-6-1998 by Ord. No. 1998-13 ]**
- J. The provisions of this section shall not apply to blind persons who may use dogs as guides. **[Added 4-6-1998 by Ord. No. 1998-13 ]**
- K. Limitation of ownership/custodianship. No person shall be defined to include a family unit, and no owner, as that term is defined in § 136-1 of this chapter, shall keep, harbor or have possession or custody of more than four dogs on any one residential premises within the Township. The only exceptions will be in the instance of a lawfully operating kennel or pet shop. This restriction shall not include the temporary keeping of puppies for a maximum of 90 days which have been born to a female dog on the premises at the time of the birth of said

puppies. [Added 12-16-2002 by Ord. No. 2002-15 ]

**§ 136-9. Regulation of cats. [Amended 4-3-2000 by Ord. No. 2000-9 ]**

A. Title; repeal of prior regulations. This section of Chapter 236 shall be known as the "Regulation of Cats Ordinance of the Township of Lumberton." This section shall supersede, repeal and replace the heretofore existing § 136-9 of the Code of the Township of Lumberton. Notwithstanding, the caretaking and maintenance of community cats as defined by § 136-17, shall be subject to the regulations and procedures set forth in §§ 136-17, 136-18 and 136-19. [Amended 10-21-2021 by Ord. No. 2021-18 ]

B. Definitions. As used in this section, the following terms shall have the meanings indicated, within this section:

CAT — Any animal of the feline species, whether male or female.<sup>4</sup>

HARBOR — To provide food, shelter, health care or any other care to cats, whether on a regular or irregular basis, and whether the cats are vaccinated or housed.

OWN — When applied to the proprietorship of a cat, includes possessing cats by providing regular care by way of food, shelter and/or health care.

OWNER — When applied to the proprietorship of a cat, includes every person having a right of property in such cat and every person who has such cat in his keeping. For purposes of this section, the singular shall mean the plural, as the case may require.

POUND — An establishment for the confinement of cats seized either under the provisions of this section or otherwise.

PUBLIC NUISANCE — A cat shall be considered a "public nuisance" if it has no known owner or custodian, if it has no known place of care or shelter or if it trespasses upon or damages either private or public property or annoys or harms lawful users or occupants thereof.

C. Control of cats. Any person who owns or harbors any cat at any place within the Township or who permits any cat to enter the corporate limits of the Township shall exercise sufficient and proper care of and control over such animal at all times so as to prevent the same from becoming a public nuisance, as defined in this section.

D. Rabies vaccination. It shall be unlawful for any owner or custodian of such cats to own or harbor such animal for a period of time exceeding seven business days unless said cat has been properly vaccinated with a rabies vaccine approved by the New Jersey Department of Health and Senior Services (NJDH&SS). Said vaccination shall be administered only by a licensed veterinarian or vet tech, under the supervision of a licensed veterinarian. After the initial vaccination, each cat shall be revaccinated at an interval approved by the NJDH&SS.

E. Certification of vaccination. Certification of vaccination/receipts issued by the veterinarian shall be kept by the owner or custodian of said cat for the purpose of not only the animal's health records, but also for display upon the request by any animal control warden, law

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4. Editor's Note: The former definition of "feral cat," which immediately followed this definition, was repealed 10-21-2021 by Ord. No. 2021-18.

enforcement officer or the Animal Registrar of the Township of Lumberton at the time such documentation is requested.

- F. Limitation on ownership/custodianship. Individual households in the Township of Lumberton shall be limited to a maximum of any combination of six cats housed on the premises and shall be required to obtain proper vaccination for such cats. The only exceptions will be in the instance of a lawfully operating kennel or pet shop. Owners of property designated as farmland, provided that owners are actively engaged in the operation of said farm, shall be exempt from this provision.
- G. Harboring of cats. Any individual found feeding or in any way attracting or harboring cats without complying with the vaccination and other provisions of this section or §§ 136-17, 136-18 and 136-19 shall be deemed in violation of this chapter and will be responsible for any costs incurred by the Township of Lumberton in the process of the collection and surrendering of said cats should they be deemed nuisance cats pursuant § 136-19 and such nuisance go unabated by the caretaker, as well as any fines or penalties hereinafter set forth. **[Amended 10-21-2021 by Ord. No. 2021-18 <sup>5</sup>]**
- H. Establishment of pound; Animal Control Officer. The Township Committee may by resolution establish a pound and appoint an Animal Control Officer. The Township Committee may by resolution enter into a contract with Animal Control Officers for the collection, keeping for redemption and destruction of all cats found to be a public nuisance and within the municipal limits in accordance with the provision of this section.
- I. Impounding of cats. The Animal Control Officer, any police officer or any other person designated by the Township Committee as a person authorized to enforce the provisions of this section shall, upon receipt of a complaint that a cat is a public nuisance, seize the cat and keep the same in his care and custody for a period of seven full days from the date of apprehension, provided that the owner can pick up said cat at any time following payment of the necessary fees set forth under Subsection L below.
- J. Notice of seizure.
- (1) If any cat apprehended pursuant to the provisions of this section bears any identification of ownership or place of abode, the Animal Control Officer or other duly authorized apprehending official shall, on the date of apprehension, notify the owner or the occupant of the place of abode that the animal has been apprehended and that it may be claimed at a designated location, subject to the provisions of this section.
- (2) 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 by forwarding it by the post and in a prepaid letter addressed to that person at his usual or last known place of abode.
- K. Claiming impounding cats. During the seven-day custodial period, any cat so incarcerated may be claimed by its owners upon payment to the Animal Control Officer or authorized custodian of all reasonable expenses incurred by reason of its detention, including the sum of

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5. Editor's Note: This ordinance also repealed former Subsection H, Establishment of feral cat colonies prohibited, and redesignated former Subsections I through N as Subsections H through M, respectively.



\$35 for the pickup of the cat, the sum of \$5 for the first 12 hours and the sum of \$1 for each additional day or fraction thereof thereafter.

- L. Disposition of unclaimed cats. Any cat which has been seized pursuant to this section and which has not been reclaimed during the custodial period herein set forth may be claimed by any person willing to assume the responsibilities of ownership. Otherwise, the cat may be disposed of by the Animal Control officer or other duly designated official in as humane a manner as possible.
- M. Fines and penalties. Any individual found to be in violation of this section shall be responsible for the fees and costs associated with the pickup, detainment and disposition of cats and feral cats, as well as a fine of at least \$50 and no greater than \$500 in the discretion of the Municipal Court Judge.

**§ 136-10. Violations and penalties. [Amended 12-3-1990 by Ord. No. 1990-20 ]**

Unless otherwise specifically provided for in this article, any person who violates any of the provisions of this article or does any act or thing herein prohibited, or neglects, fails or refuses to do any act or thing herein required to be done shall, upon conviction thereof before the Municipal Judge or other judicial officer authorized to hear and determine the matter, forfeit and pay such fine, not less than \$5 nor more than \$50 for each offense, as shall be imposed by the Judge or other judicial officer, in his or her discretion.