

**ORDINANCE NO. 3-2020
OF THE GOVERNING BODY
OF THE BOROUGH OF BLOOMINGDALE**

AN ORDINANCE OF THE BOROUGH OF BLOOMINGDALE, IN THE COUNTY OF PASSAIC AND STATE OF NEW JERSEY, AMENDING CHAPTER 5 “ANIMAL CONTROL” OF THE CODE OF THE BOROUGH OF BLOOMINGDALE

WHEREAS, the Borough Code currently sets forth the animal control regulations, licensing requirements, fees, and restrictions and limitations with regard to the keeping of certain animals in the Borough; and

WHEREAS, the Borough Ordinance Review Committee and Animal Control Officer have reviewed the Code and recommended certain changes be made to update the Code and for consistency and clarification purposes; and

WHEREAS, the Borough Council has reviewed the recommendations of the Ordinance Review Committee and Animal Control Officer and agreed with the recommended changes.

NOW THEREFORE BE IT ORDAINED, by the Council of the Borough of Bloomingdale, in the County of Passaic, and State of New Jersey, as follows:

SECTION 1. Chapter 5 “Animal Control”, Section 5-6 “Farm Animals, Fowl, Pigeons, Poisonous Snakes and Reptiles” shall be amended as follows:

§5-6.2 Fowl.

a. As used in this subsection, the following terms shall have the meanings indicated.

1. Fowl shall mean and include chickens, ducks, turkeys, peacocks, ostriches, game birds or any other fowl.

b. No person shall harbor or keep any fowl within the limits of the Borough except in conformance with this subsection and in accordance with the applicable provisions of the Borough’s zoning (§92-21B) or other ordinances.

1. There shall be no more than ten (10) fowl per acre maintained by any property owner.

2. Maximum number of fowl shall not exceed twenty (20) regardless of property size.

3. There shall be no more than one (1) rooster, or cock bird, and nineteen (19) birds on the property.

4. All fowl shall be kept in fenced or penned areas, or in coops, at least seventy-five (75) feet from the principal building on the property.
5. No fowl shall be allowed to fly around at large, but shall be confined in a suitable house or coop, and with an enclosed runway or fenced area.
6. Nothing in this section shall be deemed to apply to poultry kept in live poultry markets as well as farmland assessed properties.

All other portions of this Section remain unchanged.

SECTION 2. Chapter 5 "Animal Control", Section 5-3 "Dog and Cat Licenses" shall be amended as follows:

§5-3.3 Fees Required; Renewal, Expiration Date of License; Exceptions.

- a. The person applying for a license and registration tag shall pay a fee for each dog or cat as provided for in Section 5-14.
- b. The person applying for a license and registration tag shall pay the fee fixed as authorized. The fee for renewal of license and registration tag shall be the same as for the original, and the license, registration tag and renewal thereof shall expire on December 31 of the licensing year. Only one (1) license and registration tag shall be required in any licensing year for any dog or cat owned in the Borough, and such license and registration tag issued by any municipality in the State of New Jersey shall be accepted as evidence of compliance of this section.
- c. Any dog or cat owner or person harboring a dog or cat found to have an unlicensed dog or cat by the Animal Control Officer or any other municipal official on or after February 1 shall be required to pay an additional delinquent fee as established in Section 5-14, plus the required license fee as provided in this section for his license, together with any other fines due to summons issued that may be imposed on him or provided in this section for failure to obtain a license by January 31. The aforementioned fee shall not apply to dogs or cats which have been acquired by the owner after January 1, provided that the license is obtained within ten (10) days after acquisition and sufficient proof is presented to establish the date the dog or cat is acquired.
- d. Dogs used as guides for blind persons and commonly known as "seeing eye dogs," dogs used to assist disabled 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 as other animals herein above provided for, except that the owner or keeper of such dog shall not be required to pay any fee.
- e. The owner or keeper of any newly acquired dog or cat of licensing age shall make application for such license and registration tag for such dog or cat within ten (10) days after such acquisition or age attainment.
- f. Any owner or keeper of a licensed dog or cat whose current license tag has been lost may obtain a replacement tag by applying to the Health Department immediately. A charge as established in Section 5-14 is made for replacement of this tag.
- g. No person shall make use of or have in his possession or under his control a stolen, counterfeit or forged dog or cat license receipt, license registration tag or rabies

vaccination certification or other forms issued in accordance with the provisions of this chapter.

h. Any person applying for a dog license for a neutered dog or cat must present to the licensing agent a veterinarian's certification that the dog or cat of reproductive age has had its reproductive capacity permanently altered through sterilization.

All other portions of this Section remain unchanged.

SECTION 3. Chapter 5 "Animal Control", Section 5-9 "Defiling or Damaging Property; Nuisances; Running At Large" shall be amended as follows:

§5-9 Defiling or Damaging Property; Nuisances; Running at Large; Injury to Persons.

a. No person shall suffer, permit or allow any animal to injure, damage, soil or defile any lawn, shrubbery, flowers or grounds or any property, either public or private, or any person other than that of its owner to the extent that such action causes a nuisance.

b. No person owning or in charge of any dog shall suffer, permit or allow such dog to be upon any private or public property other than the premises of the owner without the consent of the owner or tenant of the private or public property or permit the dog to run unleashed off the premises of the owner.

c. No person owning or in charge of any dog shall cause or allow such dog to soil, defile or defecate upon any private property without the permission of the owner. Any person owning or in charge of such dog which soils, defiles or defecates shall immediately remove all feces deposited by such dog in a sanitary manner.

d. No person owning or in charge of any dog shall cause or allow such dog to soil, defile or defecate on any place where people walk or congregate, or upon public property. Any person owning or in charge of such a dog which soils, defiles or defecates shall immediately remove all feces deposit by such dog in a sanitary manner.

e. No person owning, keeping or harboring a dog shall permit or suffer the dog to cause any injury or damage to any person or persons. The Animal Control Officer shall have the discretion to determine if an injury to a person implicates the provisions of Section 5-10 governing vicious dogs based upon the circumstances and facts of each such case.

f. Any person who violates this section shall upon conviction be subject to the penalties provided in Section 5-16.

g. This section shall be enforced by the Animal Control Officer, the members of the Police Department, the Code Enforcement Officer and the members of the Health Department.

All other portions of this Section remain unchanged.

SECTION 4. Chapter 5 "Animal Control", Section 5-11 "Howling or Barking Dogs" shall be amended as follows:

§5-11 Howling or Barking Dogs.

No person shall keep within the Borough any dog causing a nuisance and disturbing the peace and quiet of the neighborhood in which it shall be kept by chronically howling, barking or making and causing other sounds or noises, particularly between the hours of 10:00 p.m. and 7:00 a.m.

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 Police Officer or Animal Control Officer. 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 (5) minutes without interruption, defined as an average of four (4) or more vocalizations per minute in that period; or
- (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two (2) vocalizations or more per minute in that period.

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

All other portions of this Section remain unchanged.

SECTION 5. Chapter 5 “Animal Control”, Section 5-14 “Fees” shall be amended as follows:

§5-14 Fees.

The following fees shall be paid to the Borough in compliance with this chapter:

- a. License and Registration Tag, Annual.
 1. Dogs.
 - (a) Neutered: twelve (\$12.00) dollars.
 - (b) Unneutered: twenty (\$20.00) dollars.
 2. Cats.
 - (a) Eight (\$8.00) dollars.
 3. Late charge for dog or cat license and registration tag, effective February 1: increasing fine of five (\$5.00) dollars per month past February 1.
 4. Replacement dog or cat license and registration tag: five (\$5.00) dollars.
- b. Surrender Fees: fifty (\$50.00) dollars per animal.
- c. Kennel License, Annual:
 1. Ten (10) or fewer dogs: ten (\$10.00) dollars.
 2. Greater than ten (10) dogs: twenty-five (\$25.00) dollars.
- d. Pet Shop, Annual: ten (\$10.00) dollars.

- e. Potentially Dangerous Dog License and Registration Tag, Annually: five hundred (\$500.00) dollars.
- f. Quarantines and Impounded Bite Cases: twenty-five (\$25.00) dollars a day.
- g. Reclaim Fee:
 - 1. First offense: thirty (\$30.00) dollars for the first day plus an additional five (\$5.00) dollars per day for every day thereafter.
 - 2. Second offense: fifty (\$50) dollars for the first day plus an additional five (\$5.00) dollars per day for every day thereafter.
 - 3. Third offense or greater: seventy-five (\$75) dollars for the first day plus an additional five (\$5.00) dollars per day for every day thereafter.
- h. Adoption Fees. Vary based on the individual animal and will range from twenty-five (\$25.00) dollars to two hundred fifty (\$250.00) dollars.
- i. Disposal of Dead Domesticated Animals:
 - 1. Less than thirty (30) lbs.: fifty (\$50.00) dollars.
 - 2. Between thirty (30) lbs. and fifty (50) lbs.: seventy-five (\$75.00) dollars.
 - 3. Over fifty (50) lbs.: one hundred (\$100.00) dollars.
- j. Removal of Dead Animals and Release of Nuisance Wildlife Contained by Resident on Private Property: twenty-five (\$25.00) dollars.
- k. Euthanasia of Quarantined Pets and, in Special Circumstances Owner Released Pets:
 - 1. Pets weighing forty-nine (49) pounds and under; disposal fees plus thirty-five (\$35.00) dollars.
 - 2. Pets weighing over forty-nine (49) pounds; disposal fees plus fifty (\$50.00) dollars.

All other portions of this Section remain unchanged.

SECTION 6. Chapter 5 “Animal Control”, Section 5-17A “Feeding of Unconfined Wildlife” shall be amended as follows:

§5-17A.4 Enforcement.

a. This section shall be enforced by the Police Department of the Borough of Bloomingdale and/or the Animal Control Officer.

b. Any person found to be in violation of this section shall be ordered to cease the feeding immediately

All other portions of this Section remain unchanged.

SECTION 7. Chapter 5 “Animal Control”, Section 5-18 “Animal Care” shall be amended as follows:

§5-18.1 Shelter and Care of Animals.

The shelter and care of animals in the Borough of Bloomingdale shall be governed by the provisions of N.J.S.A. 4:22-17 through 4:22-25.5 governing the prevention of cruelty to animals.

§5-18.2 Duties of Citizens.

a. It shall be the duty of every person within the Borough to forthwith report any instances of animal cruelty to the Humane Law Enforcement Officer or the Animal Control Officer.

b. Any person who, as the operator of a motor vehicle, accidentally strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner or local police department.

All other portions of this Section remain unchanged.

SECTION 8. Chapter 5 "Animal Control", Section 5-19 "Pet Waste" shall be amended as follows:

§5-19.5 Enforcement.

The provisions of this section shall be enforced by the Police Department, the Board of Health of the Borough of Bloomingdale and/or the Animal Control Officer.

All other portions of this Section remain unchanged.

SECTION 9. All ordinances or parts of ordinances of the Borough of Bloomingdale inconsistent herewith are repealed to the extent of such inconsistency.

SECTION 10. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

SECTION 11. This law shall take effect immediately upon final passage, approval and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at an Official Meeting of the Governing Body of the Borough of Bloomingdale held in the Municipal Building on January 21, 2020, and the same shall come up for final passage at an Official Meeting of the Governing Body to be held on February 4, 2020 at 7PM, at which time any persons interested shall be given the opportunity to be heard concerning said Ordinance. Copies of this Ordinance are available in the Clerk's Office located at 101 Hamburg Turnpike, Bloomingdale, New Jersey.

Breeanna Calabro, RMC
Municipal Clerk

BOROUGH OF BLOOMINGDALE
COUNTY OF PASSAIC
STATE OF NEW JERSEY

ATTEST:

Breeanna Calabro, Clerk

By: _____
Jonathan Dunleavy, Mayor