

ORDINANCE NO. 3471
INTRODUCED BY: COMMISSIONER JOHN V. KELLY, III
INTRODUCED ON: APRIL 6, 2021
PUBLISHED: APRIL 15, 2021
PUBLIC HEARING: MAY 4, 2021
PUBLISHED: MAY 13, 2021

ORDINANCE NO. 3471

AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 217, ENTITLED “ANIMALS”.

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Chapter 217 of the Code of the Township of Nutley, entitled “Animals”, is hereby AMENDED in its entirety to read as follows:

Chapter 217
Animals

[HISTORY: Adopted by the Board of Commissioners of the Township of Nutley as indicated in article histories. Amendments noted where applicable.]

Article I
Dogs

[Adopted 3-3-1942 by Ord. No. 961 (Ch. 97 of the 1978 Code)]

§ 217-1 Definitions.

For the purpose of this article, the following definitions shall apply:

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.

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

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 more than five (5) dogs or cats are owned, cared for, for sale are kept or displayed.

POUND

An establishment for the confinement of dogs seized either under the provisions of this article or otherwise.

SHELTER

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

VICIOUS DOG

Any dog which has been declared vicious and menacing by the health or police authorities by written notice sent to the owner of said dog.

§ 217-2 Annual license and registration tag.

[Amended 12-20-1949 by Ord. No. 1195; 5-3-2005 by Ord. No. 2878]

Any person who shall own, keep or harbor a dog of licensing age shall, in the month of April of each year, apply for and procure from the Township Clerk of the Township of Nutley a license and official metal registration tag for each such dog so owned, kept or harbored and shall place upon each such dog a collar or harness with the registration tag securely fastened thereto.

§ 217-3 Licensing of newly acquired dogs.

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

§ 217-4 License and registration tag fees; disposition of fees collected.

[Amended 8-19-1958 by Ord. No. 1460; 12-19-1967 by Ord. No. 1674; 8-7-1979 by Ord. No. 1981; 10-6-1981 by Ord. No. 2062; 10-3-1989 by Ord. No. 2294; 12-8-2004 by Ord. No. 2864]

- A. The fee for a license issued in a calendar year shall be \$15 for each neutered dog and \$18 for each unneutered dog. The registration tags shall expire on the last day of April of each year. Persons who fail to obtain a license as required within the time period specified in this section will be subject to a delinquent fee of \$10. The fee for a duplicate dog license tag shall be \$5. Fees for senior citizens age 65 and over shall be \$12 for each neutered dog and \$15 for each unneutered dog. **[Amended 3-7-2006 by Ord. No. 2941; 12-20-2011 by Ord. No. 3186]**
- B. Disposition of fees collected. License fees and other money collected or received under the provisions of this article shall be forwarded to the Treasurer of the municipality and shall be placed in a special account separate from any other accounts of the municipality and shall be used to administer the provisions of this article.

§ 217-5 Application information.

The application shall state the breed, sex, age, color and markings of the dog for which license and registration are sought, and 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.

§ 217-6 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.

§ 217-7 Unauthorized removal or attachment of 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 is not issued.

§ 217-8 Running at large prohibited.

[Added 1-8-1957 by Ord. No. 1412; amended 2-16-1971 by Ord. No. 1735]

It shall be unlawful for any dog, whether licensed or not, to run at large within the Township of Nutley. A dog shall be deemed to be running at large when off the premises of its owner or of the person keeping or harboring such dog and not on a leash, tether, chain, rope or the like, the overall length of which, including the hand grip, shall not exceed six feet, held by its owner or other person able to control such dog.

§ 217-9 Vicious dogs.

[Added 2-16-1971 by Ord. No. 1735]

Any dog which has attacked any human being by biting or has caused any person to be fearful for his or her safety by chasing, worrying, snapping or otherwise frightening said person, or which has habitually attacked other dogs or animals, may be declared vicious and menacing by the local health or police authorities by written notice sent to the owner of said dog. No person owning, harboring, keeping or in charge of any dog which has been declared vicious by the local health or police authorities shall permit such dog to be upon a public street or highway or upon any premises other than those of the person owning such dog or those of a person who has given permission to said owner to keep or harbor such dog on his premises, unless such dog wears a muzzle securely fastened about its mouth in such a manner that it cannot bite and is on a leash, tether, chain, rope or the like, the overall length of which, including the hand grip, shall not exceed six feet, held by its owner or other person able to control such dog; and while on the premises of the owner, such dog shall not be allowed to come in contact with any person who is not a member of the immediate household.

§ 217-10 Prohibited defecation; curbing regulations.

[Added 2-16-1971 by Ord. No. 1735]

No person owning, harboring, keeping or in charge of any dog shall cause, suffer or allow such dog 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 said property. The restriction in this section shall not apply to that portion of the street lying between the curblines, which shall be used to curb such dog under the following conditions:

- A. The person who so curbs such dog shall immediately remove all feces deposited by such dog by any sanitary method approved by the local health authority.
- B. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping or in charge of any dog curbed in accordance with the provisions of this article, in a sanitary manner approved by the local health authority.

§ 217-11 Licensing of kennels, pet shops, shelters and pounds.
[Amended 12-20-1949 by Ord. No. 1195]

Any person who keeps or operates or proposes to establish a kennel, a pet shop, a shelter or a pound within the Township of Nutley shall apply to the Township Clerk of the Township of Nutley for a license entitling him to keep or operate such establishment. The application therefor shall describe the premises where the establishment is located or is proposed to be located and the purpose or purposes for which it is to be maintained, and shall be accompanied by the written approval of local health and municipal authorities showing compliance with the local and state rules and regulations governing location of and sanitation at such establishment. Kennels, pet shops, shelter or pounds are PROHIBITED, from locating or operating out of private residences or residential homes and are PROHIBITED in all residential zones.

§ 217-12 Contents of license; expiration and revocation.

All licenses issued for a kennel, pet shop, shelter or pound shall state the purpose for which the establishment is maintained, and all such licenses shall expire on the last day of January of each year and shall be subject to revocation by the municipality on recommendations of the State Department of Health and Senior Services or the local Department of Health for failure to comply with the rules and regulations of the State Department or local Department governing the same, after the owner has been afforded a hearing by either said State Department or the local Department.

§ 217-13 Individual licenses not required for dogs in establishments.

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.

§ 217-14 License fees for establishments.

The annual license fee for a kennel providing accommodations for 10 or less dogs shall be \$10, and for more than 10 dogs, \$25. The annual license fee for a pet shop shall be \$10. No fee shall be charged for a shelter or pound.

§ 217-15 Leashing while off premises of establishments.

No dog kept in a kennel, pet shop, shelter or pound shall be permitted off such premises except on leash or in a crate or other safe control.

§ 217-16 Annual canvass.

[Amended 3-31-1942 by Ord. No. 965; 5-3-2005 by Ord. No. 2878]

The Chief of Police of the Township of Nutley shall promptly after May 1 of each year cause a canvass to be made of all dogs owned, kept or harbored within the Township of Nutley, in accordance with the provisions of Section 15 of Chapter 151 of the Public Laws of 1941.

§ 217-17 Seizure and impoundment; notice; redemption; destruction.

[Amended 3-31-1942 by Ord. No. 965]

- A. The Chief of Police of the Township of Nutley, in the absence of any person hired by the Board of Commissioners of the Township of Nutley for the purpose, and if and when such person is hired by the Board of Commissioners of the Township of Nutley, then the person so hired for the

purpose, or if the position of Dog Warden is created, then the person appointed to that position, shall take into custody and impound or cause to be taken into custody and impounded and thereafter destroyed or disposed of as provided in this section:

- (1) Any dog off the premises of the owner or of the person keeping or harboring said dog, which said official or his agent or agents have reason to believe is a stray dog.
 - (2) Any dog off the premises of the owner or of the person keeping or harboring said dog without a current registration tag on his collar or harness.
 - (3) Any female dog in season off the premises of the owner or of the person keeping or harboring said dog.
 - (4) Any dog off the premises of the owner or of the person keeping or harboring said dog, which is not securely and completely muzzled or on leash in the hands of a person able to control said dog.
 - (5) Any vicious dog off the premises of the owner or of the person keeping or harboring said dog, which is not muzzled and on leash in the hands of a person able to control said dog.
- B. If any dog 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 dog is known, the Chief of Police of the Township of Nutley or such person hired by the Board of Commissioners for the purpose, or Dog Warden if appointed, shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said dog, if known, a notice in writing stating that the dog has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the service of the notice.
- C. 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.
- D. When any dog so seized has been detained for seven days after notice, when notice can be given as above set forth, or has been detained for seven days after seizure, when no notice has been given as above set forth, and the owner or person keeping or harboring said dog has not claimed said dog and paid all expenses incurred by reason of its detention, including maintenance not exceeding \$50.00 per day, and if the dog be unlicensed at the time of the seizure and the owner or person keeping or harboring said dog has not produced a license and registration tag for said dog, the aforesaid Chief of Police of the Township of Nutley, or such person hired by the Board of Commissioners of the Township of Nutley, or Dog Warden if appointed, may cause the dog to be destroyed in a manner causing as little pain as possible.

§ 217-18 Authority to enter 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 or dogs which he may lawfully seize and 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.

§ 217-19 Interference with officials.

No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article.

§ 217-20 Sale of impounded dogs for experimentation prohibited.

[Added 12-7-1971 by Ord. No. 1747]

No dog or other animal taken into custody and detained or impounded shall be sold or otherwise made available for the purpose of experimentation.

Sec. 217-21 Harboring of Dogs and Cats.

No person shall own, keep or harbor in excess of five (5) dogs or cats combined, of licensing age at any time.

§ 217-22 Violations and penalties.

[Amended 3-31-1942 by Ord. No. 965; 1-8-1957 by Ord. No. 1412; 2-16-1971 by Ord. No. 1735; 12-7-1971 by Ord. No. 1747; 5-15-1979 by Ord. No. 1973]

Any person who violates or who fails or refuses to comply with any provisions of this article or the rules and regulations promulgated by the State Department of Health shall be liable to a penalty of not more than \$500 per day for each dog or cat over the limit, or imprisonment for a term not exceeding 90 days, or both.

§ 217-23 Enforcement.

[Added 2-16-1971 by Ord. No. 1735]

The provisions of this article shall be enforced by the local Police Department, and the Department of Health.

Article II Shelter and Care of Animals

[Adopted 4-3-2001 by Ord. No. 2674 (Ch. 71, Art. I, of the 1978 Code)]

§ 217-43 Conditions of pens and premises.

- A. It shall be unlawful for any person keeping or harboring animals to fail to keep the premises where such animals are located free from excessive animal waste and offensive odors to the extent that such waste and odors disturb persons residing or located within 20 feet of the premises. It shall be unlawful to allow the premises where animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.
- B. If animals are kept outdoors, access to shelter that supplies protection from weather shall be provided. Whenever the real or effective temperatures are 40° F. and lower, shelter shall be provided. Shelters shall be well constructed and appropriate for the species. The animal's age,

physical condition and hair coat shall be considered when determining whether available shelter is proper. The Animal Control Officer and governing body shall be empowered to make such determination.

- C. Should the property restrictions, environment or mitigating circumstances prevail and the animal must be tethered or tied outdoors, the confinement on the tether shall be no more than eight hours during any twenty-four-hour period. The tether must be at least 15 feet in length and positioned to prevent tangling and banging. The tethered dog must wear a properly fitted harness or buckle-type collar. No dog shall remain outdoors in temperatures below 32° F. during the night or for extended periods in inclement weather unless the owner of the dog has demonstrated to the Animal Control Officer that by the breed of the animal and the animal's acclimation, the animal can withstand such circumstances with no harm to the animal. In no instance shall a dog less than five months of age be left or permitted to remain outside for extended periods of time.

§ 217-25 Specifications of outdoor shelter.

The shelter shall have these minimum specifications:

- A. A roof, enclosed sides, a doorway and a solid level floor raised at least two inches from the ground.
- B. An entryway protected by a self-closing door, and offset outer door or a flexible flap made of windproof material.
- C. Bedding such as cedar shavings, straw or other nonabsorbent material in sufficient quantity for insulation against cold and damp. Bedding shall be kept dry.
- D. One hundred fifty square feet of pen space for each dog kept therein which is five months of age or older.

§ 217-26 Prohibited activities and treatment.

No animal sacrifice shall be permitted to be performed in the Township. No owner shall fail to provide his animal with sufficient good and wholesome food and water in suitable containers. Proper shelter, protection from weather, veterinary care and humane care and treatment shall also be provided. No one shall abandon an animal within the Township. No animal shall be subjected to unnecessary suffering and cruelty such as exposing animals to prolonged fear, injury, pain or physical abuse. Animals shall have interaction with humans and other animals whenever possible. Appropriate adherence to these standards shall be determined by the Animal Control Officer.

§ 217-27 Duties of citizens.

It shall be the duty of every person within the municipality to report any instances of animal cruelty to the Animal Control Officer. Any person who, as the operator of a motor vehicle, accidentally strikes an animal shall stop and render such assistance as may be possible, provided that same can be accomplished safely and without danger to pedestrians or other motorists. The operator shall promptly report such injury or death to the appropriate law enforcement agency, the animal control center or a local humane society. The operator shall also promptly report such injury or death to the animal's

owner, if known.

§ 217-28 Violations and penalties.

Any person violating any provision of this article, except the section entitled "Duties of citizens," shall, upon conviction, be liable for a fine of up to \$500 for the first offense, up to \$1,000 for the second offense and up to \$5,000 and from five to 90 days in jail for the third and subsequent offenses.

Article III

Cats

[Adopted 12-28-2004 by Ord. No. 2863 (Ch. 71, Art. II, of the 1978 Code)]

§ 217-29 Definitions.

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

ANIMAL CONTROL AUTHORITY

Any person or agency designated or certified by the Township of Nutley to enforce the provisions of this article.

CAT

Any member of the feline species, male, female or altered.

CAT OF LICENSING AGE

Any cat which has attained the age of seven 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 agency or department of the Township of Nutley or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this article.

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.

§ 217-30 Cats brought into Township.

No person shall own, keep, harbor or maintain any cat over seven months of age within the Township of Nutley unless such cat is vaccinated and licensed. The provisions of this section do not apply to cats held in a cattery or those held by a state or federally licensed research facility or a veterinary establishment where cats are received or kept for diagnostic, medical, surgical or other treatments, or licensed animal shelters, pounds, kennels or pet shops.

§ 217-31 **Licensing requirements.**

- A. Any person who shall own, keep or harbor a cat of licensing age shall, in the month of April of each year, apply for and procure from the Township Clerk of the Township of Nutley, or other official designated by the governing body thereof to license cats in the municipality in which he/she resides, a license and official registration tag with license number, or a registration sleeve for each cat so owned, kept or harbored, and shall place upon such cat a collar or other device with the license number securely fastened or displayed thereto. Acceptable methods of displaying the license number shall include but are not limited to breakaway or elastic collars. License tags or sleeves are not transferable. **[Amended 12-20-2011 by Ord. No. 3187]**
- B. Application contents; preservation of information. The application shall state the breed, sex, age, color and markings of the cat for which license and registration are sought and whether it is of a long- or short-haired variety; also the name, street and post office address of the owner and the person who shall keep or harbor such cat. The information on said application and the registration number issued for the cat shall be preserved for a period of three years by the Municipal Clerk or other local official designated to license cats in the municipality.
- C. License forms and tags. License forms and official tags or sleeves shall be furnished by the municipality and shall be numbered serially and shall bear the year of issuance and the name of the municipality.
- D. Time for applying for license. The owner of any newly acquired cat of licensing age, or any cat which attains licensing age, shall make application for license tag or sleeve for such cat within 10 days after such acquisition or age attainment. This requirement will not apply to a nonresident keeping a cat within the Township of Nutley for not longer than 90 days.

§ 217-32 **Vaccination requirements.**

- A. No municipal Clerk or other official designated by the governing body of any municipality to license cats therein shall grant any such license and official registration tag or sleeve for any cat unless the owner thereof provides evidence that the cat to be licensed and registered has been inoculated with a rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Health and Human Services or has been certified exempt as provided by Subsection C of this section. The rabies inoculation shall be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same.
- B. Vaccination certificate. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the state.
- C. Exceptions. Any cat may be exempted from the requirements of such vaccination for a specific 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.

§ 217-33 License fee schedule (one-year term).
[Amended 12-20-2011 by Ord. No. 3187]

- A. The fee for a license issued in a calendar year shall be \$15 for each neutered cat and \$18 for each unneutered cat. Persons who fail to obtain a license as required within the time period specified in this article will be subject to a delinquent fee of \$10.
- B. Fees for senior citizens age 65 and over shall be \$12 for each neutered cat and \$15 for each unneutered cat. Persons who fail to obtain a license as required within the time period specified in this article will be subject to a delinquent fee of \$10.

§ 217-34 Fee; renewals; expiration date of license.

- A. A license from another municipality shall be accepted. The person applying for the license and registration tag and/or sleeve shall pay the fee fixed or authorized. The fee for the renewal of license and registration tag or sleeve shall be the same as for the original, and said license, registration tag or sleeve and renewal thereof shall expire on April 30 in the years following its issuance. **[Amended 5-3-2005 by Ord. No. 2879]**
- B. Only one license and registration tag or sleeve shall be required in the licensing year for any cat in the Township of Nutley. Any valid New Jersey license tag or sleeve issued by a New Jersey municipality shall be accepted by this municipality as evidence of compliance for the duration of its original term.
- C. Loss of license. If a license or sleeve has been misplaced or lost, the Municipal Clerk may issue a duplicate license and/or registration sleeve for that particular cat at a fee of \$5. **[Amended 12-20-2011 by Ord. No. 3187]**

§ 217-35 Proof of licensing.

- A. Proof of licensing shall be produced by any person owning, keeping, maintaining or harboring a cat upon request of any health official, police officer, animal control officer or other authorized person.
- B. Interfering with person performing duties under this article. No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article.

Sec. 217-36 Harboring of Dogs or Cats.

No person shall own, keep or harbor in excess of five (5) dogs or cats combined, of licensing age at any time.

§ 217-37 Seizure and impoundment; notice; redemption; destruction.

- A. The Chief of Police or his designee of the Township of Nutley, in the absence of any person hired by the Board of Commissioners of the Township of Nutley for the purpose, and if and when such person is hired by the Board of Commissioners of the Township of Nutley, then the person so hired for the purpose, or if the position of Animal Control Officer is created, then the person

appointed to that position, shall take into custody and impound or cause to be taken into custody and impound and thereafter destroyed or disposed of as provided in this section:

- (1) Any cat in excess of that allowed to be harbored or owned under Section 217-36.
 - (2) Any cat off the premises of the owner or of the person keeping or harboring said cat, which said official or his agent or agents have reason to believe is a stray cat.
 - (2) Any cat off the premises of the owner or of the person keeping or harboring said cat without a current registration tag on his collar or harness.
- B. If any cat 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 cat is known, the Chief of Police, or his designee of the Township of Nutley or such person hired by the Board of Commissioners for the purpose, or Animal Control Officer if appointed, shall forthwith serve on the person whose address is given on the collar, or on the owner or the person keeping or harboring said cat, if known, a notice in writing stating that the cat has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the service of the notice.
- C. 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.
- D. When any cat so seized has been detained for seven days after notice, when notice can be given as above set forth, or has been detained for seven days after seizure, when no notice has been given as above set forth, and the owner or person keeping or harboring said cat has not claimed said cat and paid all expenses incurred by reason of its detention, including maintenance not exceeding \$50.00 per day, and if the cat be unlicensed at the time of the seizure and the owner or person keeping or harboring said cat has not produced a license and registration tag for said cat, the aforesaid Chief of Police of the Township of Nutley, or such person hired by the Board of Commissioners of the Township of Nutley, or Animal Control Officer if appointed, may cause the cat to be destroyed in a manner causing as little pain as possible.

§ 217-38 Authority to enter premises.

Any officer, member of the Public Affairs department 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 cat or cats which he may lawfully seized and impounded.

§ 217-39 Interference with officials.

No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty under this article, including but not limited to the police department, the employees of the Public Affairs department or the Township Zoning department.

§ 217-40 Sale of impounded cats for experimentation prohibited.

No cat or other animal taken into custody and detained or impounded shall be sold or otherwise made available for the purpose of experimentation.

§ 217-41 Violations and penalties.

Any person who violates or who fails or refuses to comply with any provisions of this article or the rules and regulations promulgated by the State Department of Health shall be liable to a penalty of not more than \$500 per day for each dog or cat over the limit, or imprisonment for a term not exceeding 90 days, or both.

§ 217-42 Enforcement.

The provisions of this article shall be enforced by the local Police Department, and the Department of Health.

§ 217-43 Disposition of fees collected.

License fees and other money collected or received under the provisions of this article shall be forwarded to the Treasurer of the municipality and shall be placed in a special account separate from any other accounts of the municipality and shall be used to administer the provisions of this article.

**Article IV
Proper Disposal of Pet Waste**

[Adopted 9-26-2005 by Ord. No. 2918 (Ch. 71, Art. III, of the 1978 Code)]

§ 217-44 Purpose.

An article to establish requirements for the proper disposal of pet solid waste in the Township of Nutley, so as to protect public health, safety and welfare and to prescribe penalties for the failure to comply.

§ 217-45 Definitions.

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

IMMEDIATE

Means that the pet solid waste is removed at once without delay.

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, corporation, company, partnership, firm, 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 SOLID WASTE

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

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.

§ 217-46 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.

§ 217-47 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.

Article V Wildlife Feeding

[Adopted 9-26-2005 by Ord. No. 2920 (Ch. 71, Art. IV, of the 1978 Code)]

§ 217-48 Purpose.

An article to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by Township of Nutley, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 217-49 Definitions.

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

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.

PERSON

Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

WILDLIFE

All animals that are neither human nor domesticated.

§ 217-50 Prohibited conduct.

No person shall feed, in any public park or on any other property owned or operated by the Township

of Nutley, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers).

§ 217-51 Enforcement.

- A. This article shall be enforced by the Police Department and/or other municipal officials of the Township of Nutley.
- B. Any person found to be in violation of this article shall be ordered to cease the feeding immediately.

§ 217-52 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$500.

Article VI Sale of Dogs and Cats

[Adopted 10-3-2017 by Ord. No. 3368]

§ 217-53 Definitions.

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

ANIMAL CARE FACILITY

An animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

ANIMAL RESCUE ORGANIZATION

Any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes.

CAT

A member of the species of domestic cat, *Felis catus*.

DOG

A member of the species of domestic dog, *Canis familiaris*.

OFFER FOR SALE

To sell, offer for sale or adoption, advertise for the sale of, barter, auction, give away or otherwise dispose of a dog or cat.

PET SHOP

A retail establishment where dogs and cats are sold, exchanged, bartered or offered for sale as pet animals to the general public at retail. Such definition shall not include an animal care facility or animal rescue organization, as defined.

§ 217-54 Restrictions on sale of animals.

No pet store shall sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or

dispose of cats or dogs. Nothing in this section shall prohibit pet stores from collaborating with animal care facilities, animal rescue organizations or reputable hobby breeders to offer space for such entities to showcase adoptable dogs and cats.

§ 217-55 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this article shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article which shall continue in full force and effect, and to this end the provisions of this article are hereby declared to be severable.

§ 217-56 Violations and penalties.

Any person(s) who is found to be in violation of the provisions of this article shall be subject to a fine not to exceed \$500. This article shall be enforced by both the Health Inspector and the Police Department of the Township of Nutley.

§ 217-57 When effective.

This article shall become effective 90 days after passage.