

CHAPTER V

ANIMAL CONTROL

DEFINITIONS

As used in this article of the Code of the Borough of Deal, in the County of Monmouth, and State of New Jersey, unless a different meaning clearly appears from the context, the following words shall have the following meanings:

ABANDONED

An owner or caregiver has forsaken a domesticated cat entirely, or has neglected or refused to provide care and support to the cat.

ANIMAL

For the purpose of this article, "animal" shall mean cat or dog.

ANIMAL OF LICENSING AGE

Any animal which has attained the age of six months.

ANIMAL CONTROL OFFICER

Any person employed or appointed by the Borough who is authorized to investigate violations of laws and regulations concerning animals, and to issue citations in accordance with New Jersey law and this Code.

CAT

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

COMMUNITY CAT

Shall mean a cat that is unowned or loosely owned; community cats are comprised of both strays and feral cats.

DOG

Any member of the domestic canine species, male, female or altered.

DOMESTICATED CAT

A cat that is socialized to humans, tamed and lives with humans as a pet.

EAR MARKED

A tagged, notched or tipped left ear as performed by a licensed veterinarian.

FERAL CAT

Shall mean any homeless, wild or untamed cat that is unsocialized to humans and has a temperament of extreme fear of, and resistance to, contact with humans.

FERAL CAT COLONY

A group of cats that congregate, more or less, together as a unit. Although not every cat in a colony may be feral, any non-feral cats that congregate with a colony shall

be deemed to be a part of it.

LICENSING AUTHORITY

The Borough of Deal or any designated representative thereof charged by the Borough with administering the issuance and/or revocation of permits and licenses under the provisions of this article.

NEUTERED/ALTERED

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

NUISANCE

Shall include, but not be limited to, disturbing the peace by:

- A. Habitual or continual barking, crying, howling or screaming by a cat(s) or dog(s); or
- B. The habitual and significant desecration, destruction, or soiling of personal and/or real property by a cat(s) or dog(s) without permission of the owner of the property.

OWNER/KEEPER

When applied to the proprietorship of a cat or dog, includes every person having a right of property (or custody) in such cat or dog and every person who has such cat or dog in his or her keeping or who harbors or maintains a cat or dog or knowingly permits a cat or dog to remain on or about any premises occupied by that person and includes any person, firm, corporation, partnership, association, trust, estate or any other legal entity.

PERSON

Any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.

STRAY CAT

Shall mean a lost or abandoned former pet which may be suitable for home environments.

LICENSE AND VACCINATION REQUIRED.

Each and every cat and dog in the Borough of Deal shall be duly licensed and shall bear evidence of such license at all times by wearing a collar or other device such that a metal disc may be attached thereto, which disc shall bear the name of Deal Borough, the year and license number and which disc shall be affixed to the animal at all times.

Any person who shall bring or cause to be brought into this State any dog licensed in another State for the current year, and bearing a registration tag, shall keep the same or permit the same to be kept within the State for a period of more than ninety days shall immediately apply for a license and registration tag for each such dog.

(NJ Rev Stat § 4:19-15.6 (2024)

License fees; delinquent fee; date for securing license.

A. Fees.

Each and every cat shall be duly licensed and shall bear evidence of such license at all times, in accordance with the laws of the State of New Jersey. The annual fee for such license shall be:

Neutered and Spayed Cats or Dogs.

\$13.80 License Fee
\$ 1.00 Registration Fee
\$ 20 NJ Pilot Clinic Fund
\$15.00 Total Fee

Non-Neutered and Non-Spayed Cats or Dogs.

\$13.80 License fee
\$ 3.00 For Non-neutered and Non-spayed
\$ 1.00 Registration Fee
\$ 20 NJ Pilot Clinic Fund
\$18.00 Total Fee

B. Persons who fail to obtain a license as required within 45 days of the enactment of this article will be subject to a delinquent fee of \$5 per month and shall be a violator of this article.

C. Thereafter, licenses shall be secured within 30 days of January 1 each year or be subject to a delinquent fee of \$5 per month.

D. Exceptions

Seeing eye dogs, service dogs and hearing dogs shall be licensed and registered as other dogs herein above provided for, except that the owner or keeper of such dog shall not be required to pay any fee therefor. (Ord. No. 884; Ord. No. 1037)

RABIES VACCINATION REQUIRED; EXCEPTIONS.

A. Every owner of a cat or dog over six months of age shall have his cat or dog inoculated with rabies vaccine of a type approved by and administered in accordance with the recommendations of the United States Department of Agriculture, the United States Department of Health, Education and Welfare or the New Jersey Department of Health. Such vaccination shall be repeated annually or at such intervals as provided by regulations of the State Department of Health and shall be administered by a duly licensed veterinarian or by such other veterinarian permitted by law to do the same.

B. Any cat or dog may be exempted from the requirement of such vaccination for a specified period of time by the Board of Health or its agent upon the presentation of a certificate from a duly licensed veterinarian stating that, by reason of age, infirmity or other physical condition, the vaccination of such cat or dog for such specified period of time is contraindicated. (Form VPH-28)

C. Certificate of rabies vaccination.

The owner of any cat or dog vaccinated against rabies shall obtain from the veterinarian who vaccinates said cat or dog a certificate of vaccination by the licensed veterinarian of this or any other state or country and shall, within 10 days after bringing the cat into the Borough of Deal, deliver said certificate to the Board of Health or its agent and obtain a license as set forth herein.

Confinement of Animals during rabies alert.

Whenever the Borough of Deal has reason to believe or has been notified by the State Department of Health that there is a danger that rabies may spread within the Borough, the Board of Health or any officer, inspector or agent thereof may provide communication borough wide or to persons within the Borough who are on record of having charge or owning a cat and/or dog. In lieu of serving such notice, the Board of Health may cause a notice to be published in the official newspaper of the Borough. Any person owning or in charge of a cat or dog which is subject to such notice and who does not comply with the orders and instructions of such notice shall be considered a violator.

Canvass for Animals.

The Borough Clerk or Animal Control Officer or his/her assignee is hereby appointed to annually cause a canvass to be made of all cats and dogs owned, kept and harbored within the limits of the Borough.

ANIMAL WASTE

All pet owners and keepers are required to immediately and properly dispose of their pet's waste deposited on any property, public or private, not owned or possessed by that person.

CURB YOUR ANIMAL

Nuisances Upon Property of Others, Including Public Property, Prohibited.

No person keeping, harboring or in charge of any animal shall cause, suffer or allow such animal to soil, defile, deface or defecate on, or commit any nuisance on any public or private property, including but not limited to any beach, common thoroughfare, sidewalk, gutter, street, passageway, by-path, play area, park or any place where people congregate or walk.

No person owning or having the care, custody or control of any dog shall suffer or permit it to soil or defile or do any injury or damage to any lawn, shrubbery, flowers, grounds, trees or any property of persons other than the owner or person having the care, custody or control of such animal.

The aforesaid restrictions shall apply to those persons who shall comply with the following:

A. The person in charge of such animal who is in violation of this article shall immediately remove all feces deposited by such animal in a sanitary method approved by the Borough.

B. The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, feeding, keeping and/or in charge of any animal.

Owner or Custodian Responsible for Damage.

The owner or custodian of any animal referred to above shall be responsible and liable for any damage done by any such animal.

5-1 CONTROL OF DOGS.

5-1.1 Running at Large Prohibited.

No dogs shall be permitted on any beach in the Borough starting May 15th and ending September 15th.

No dog shall be permitted to run at large at any time in the Borough of Deal. (Ord. No. 884 § 9-1)

5-1.2 Leash Requirements.

No person owning, keeping or harboring any dog shall suffer or permit the same to run at large anywhere in the Borough, except upon the property of the person owning, keeping or harboring the dog.

Any dog off the premises of any person owning, keeping or harboring the same shall be accompanied by a person capable of controlling the dog and who has the dog upon a leash not exceeding ten (10) feet in length or in a crate or box or otherwise securely confined so as to prevent it from running at large.

(Ord. No. 884 § 9-2)

DISTURBING THE PEACE.

No person shall keep, harbor or maintain any dog which barks, howls or cries continuously for ten (10) minutes or intermittently for thirty (30) minutes so that same unreasonably interferes with the enjoyment of life or property of persons residing in the vicinity. The provisions of this subsection shall apply to all private and public facilities, including any animal pound, kennel and pet shop, where a dog is held for any reason. (Ord. No. 884 § 9-58)

POTENTIALLY DANGEROUS AND VICIOUS DOGS.

5-4.1 Declaration of Findings; Compliance; License.

Any dog(s) declared potentially dangerous or vicious by the Court shall be subject to N.J.S.A. 4:19-17 et seq. The owner or keeper of any dog declared to be potentially dangerous shall obtain a potentially dangerous animal license from the Borough for a fee of one hundred fifty (\$150.00) dollars. (N.J.S.A. 4:19-24)

5-4.2 Any dog that bites a human will be quarantined with their owner for a period of at least 10 days.

5-4.3 The owner of any dog that bites a human will provide proof of licensing of the dog and proof of vaccination of the dog. Failure to do so will result in minimum fines of \$250.00 up to \$2000.00.

SEIZURE AND DETENTION OF DOGS RUNNING AT LARGE.

5-6.1 Impoundment.

The Deal Police or any other agency appointed for the purpose shall take into custody and impound, or cause to be taken into custody and impounded, any male or female dog running at large in this municipality contrary to any of the provisions or sections of this chapter. (Ord. No. 884 § 9-8A)

5-6.2 Reclamation of Dog; Time Limit for Impoundment.

When any dog so seized has been detained for seven (7) days after notice, when notice can be given, or has been detained for seven (7) days after seizure, when notice cannot be given, in accordance with the laws of the State of New Jersey, and if the owner or person keeping or harboring the dog has not claimed the dog and paid all expenses incurred by reason of its seizure and detention, and if the dog be unlicensed at the time of the seizure and the owner or person keeping or harboring the dog has not produced a license and registration tag for the dog, the Deal Police Department or other designated authority may cause the dog to be destroyed in a manner causing as little pain as possible. (Ord. No. 884 § 9-8B)

PROVISIONS SUPPLEMENTARY TO STATUTES AND OTHER REGULATIONS.

Nothing herein contained shall in any way be construed as relieving any person from complying with any State statutes or other regulations pertaining to the licensing and registration of dogs, and this chapter is intended to be supplementary to any provisions of any such other laws. (Ord. No. 884 § 9-10)

Animal Control Control of Cats

Responsibilities of owners of domesticated cats.

Owners of domesticated cats shall:

- A. Provide appropriate and adequate food, water and shelter for their cats, pursuant to N.J.S.A. 4:22- 26;
- B. Exercise reasonable care to guard against the cat creating a nuisance;
- C. Not permit a sexually intact (not spayed or neutered) domesticated cat to roam unsupervised; and
- D. Not abandon a domesticated cat, pursuant to N.J.S.A. 4:22-6.

FERAL CAT COLONIES.

Feral cat colonies shall not be permitted inside of the Borough.

Feeding of Feral Cats Prohibited. (Ord. No. 974 § 5-9)

It shall be unlawful for any person, other than caregivers approved by and operating under a TNR Program established by the MCSPCA, to feed any feral cats in any manner in the Borough, whether on private or public property. This section shall apply to the feeding of feral cats individually or in a feral cat colony, and also to the feeding of stray cats and community cats.

- A. The establishment of a feral cat colony in any area of the Borough is prohibited.
- B. No person may feed any community/feral/stray cat in any area of the Borough.
- C. No person may bring a feral or community cat from another municipality to create a feral cat colony within the Borough.
- D. No person shall purposely or knowingly leave or store any refuse, garbage, food product, pet food, fruit or grain in a manner that would constitute an attractant to any feral or community cat.

MANAGEMENT OF FERAL CATS.

1. Notwithstanding anything to the contrary in this article, this section is intended to govern all matters which relate to the management of feral cats.
2. For the purposes of this section, the following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, words in the singular number include the plural, and words in the male gender include the female gender.

Taking steps that are reasonably likely to result in the vaccinations of the colony population for rabies, and making reasonable efforts to update the vaccinations on cats that can be recaptured;

Taking steps that are reasonably likely to result in the spay/neuter of 100% of a colony population.

Procedures are to be done by a recognized veterinarian; Providing the description of each cat in the colony and copies of documents evidencing that the cats have been vaccinated and spayed/neutered;

In the event that kittens are born to a colony cat, the Borough shall take reasonable steps likely to result in the removal of the kittens from the colony after they have been weaned, and the placement of the kittens in homes or foster homes for the purpose of subsequent permanent placement;

- A. Colony cat requirements.
 1. The left ear of a colony cat that has been spayed or neutered and vaccinated

shall be ear marked;

2. If possible, an electronic animal identification device (EAID) shall be inserted into the cat by a licensed veterinarian, in accordance with professional medical standards.

B. Disposition of colony cats.

1. An Animal Control Officer who has trapped a cat whose left ear has been ear marked, or which bears some other distinguishing mark indicating that it belongs to a feral cat colony, shall scan the cat for an EAID. If an EAID is found, the officer shall be responsible for contacting the sponsor or other person named as owner of the cat.

2. If the cat does not have an EAID, and the cat is obviously a domestic cat, then the Animal Control Officer shall arrange for care for the cat until the owner is located and may determine the disposition of the cat in those circumstances where the domestic cat's owner cannot be located.

VIOLATIONS AND PENALTIES

Any person who violates any one or more provisions of this section shall be subject to a minimum fine of \$250 but not more than \$2000. In the case of a continuing violation or violations, a fine of \$150 or more may be assessed for each day that said violations are not corrected. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ENFORCEMENT

Enforcement will be exercised by the Deal Police, Monmouth County Board of Health, and/or the Borough Administrator.

The Borough shall have the following rights:

1. The right to seize or remove cats from a colony that have not been vaccinated against rabies and which are demonstrating signs of the disease.
2. The right to seize or remove cats from a colony if it is determined that there is a nuisance and/or public health threat, including but not limited to, zoonotic diseases, feline FIV or leukemia.
3. In the event of a violation occurring on private property, a complaint can only be filed by the owner of said property. In the event of such a violation occurring on public property, thoroughfares, walkways, or parks, a complaint can only be filed by any witness of such act. All such complaints shall be handled by and through the Borough.

WILDLIFE FEEDING.

5-9.1 Purpose.

The purpose of this section is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Deal, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply. (Ord. No. 974)

5-9.2 Definitions.

For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this section 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.

Feed shall mean 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 shall mean any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

Wildlife shall mean all animals that are neither human nor domesticated. (Ord. No. 974)

5-9.3 Prohibited Conduct.

No person shall feed, in any public park or on any other property owned or operated by the Borough of Deal, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers, or unconfined wildlife at environmental education centers). (Ord. No. 974)

5-9.4 Enforcement.

This section shall be enforced by the Deal Police Department and/or the Code Official of the Borough of Deal.

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

(Ord. No. 974)

5-9.5 Violations and Penalties.

Any person(s) who is found to be in violation of the provisions of this section shall be subject to a fine as specified in Chapter I, Section 1-5. (Ord. No. 974)