

Borough of Matawan
201 Broad Street
Matawan New Jersey 07747
(732) 566-3898
www.matawanborough.com



Public Notice of Pending Ordinance 22-15

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on November 14, 2022. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on December 6, 2022 at 7:00 o'clock PM. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at www.matawanborough.com.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 22-15

AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MATAWAN OF VARIOUS SECTIONS OF CHAPTER 5 – ANIMAL CONTROL

WHEREAS, Chapter 5 of the Code of the Borough of Matawan governs Animal Control within the community; and

WHEREAS, the Council of the Borough of Matawan, recognizes that residents have a legal duty to take care of those animals, need to take reasonable steps to protect their welfare and prevent their suffering.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Matawan, County of Monmouth, State of New Jersey, that the following Chapter 5 – Animal Control, be amended and supplemented as follows:

5-2.3 Fees

e. There shall also be an additional fee of \$3.00 for any dog or cat of reproductive age which has not been spayed/neutered.

5-4.2 Disposition of Rabid Dogs

a. All dogs or cats so noticeably infected with rabies, or displaying vicious propensities, shall be seized by the Animal Control Officer or other authorized persons, with written notice via first class mail to the owner's last known address. The owner shall be notified in writing via first class mail to the owner's last known address of actions to be undertaken pursuant to State law within three business days of the seizure of the animal.

5-4.3 Confinement and Observation of Rabid Animals

a. The confinement and observation of rabid animals in the Borough of Matawan shall conform and be in accordance with the provisions of an Act of the Legislature of the State of New Jersey entitled, "Management of Domestic Animal Rabies Exposures" and also comprising N.J.S.A. 26:4 et seq., and in accordance with the rules and regulations of the New Jersey State Department of Health.

5-5.1 Causes for Impounding

It shall be the duty of the Animal Control Officer and/or Agency appointed by the Borough, to enforce the provisions of this chapter and to take into custody and impound, or cause to be taken into custody and impounded, the following:

5-5.2 Disposition of Unclaimed Cats or Dogs

The Animal Control Officer or designated Agency by the Borough, in accordance with State Law, is authorized and empowered to take control of any unclaimed cat or dog, in as humane a manner as possible, under the following contingencies:

When any cat or dog so seized has been detained for seven days after written notice of said detention via first class mail has been given to the owner's last known address, or has been detained for seven 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 cat or dog has not claimed the cat or dog, and paid all expenses incurred by reason of its seizure and detention, and if the cat or dog is unlicensed at the time of the seizure and the owner or person keeping or harboring the cat or dog has not produced a license or registration tag for the cat or dog, the Animal Control Officer or other designated authority may pursuant to NJ State law, dispose or house the animal humanely causing as little pain as possible pursuant to State Law.

5-6.1 Control of Dogs and Cats; Barking; Disposal of Waste; Leash Requirements

- c. Injury to Persons; Damage to Property. No person owning, keeping or harboring a dog or cat shall permit or cause it to do any injury to any person, or to do any damage to any shrubbery, flowers, grounds or property of persons other than the owner or person having the care, custody or control of such dog or cat.

- e. Pet Waste Regulations. No person owning, harboring, keeping or in charge of any dog or cat shall cause, suffer or allow such dog or cat to soil, defile or defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park, school ground or any place where people congregate or walk, or upon any public or private property, without the permission of the owner of the property. The restriction shall not apply to the street right-of-way, except for sidewalk, from property line to property line which shall be used to curb such dog or cat provided that the person who curbs such dog or cat shall immediately remove all feces deposited by such dog or cat and dispose of same in a sanitary manner.

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. Any owner or keeper who requires the use of a disability assistance animal or emotional service dog shall be exempt from the provisions of this section.

- f. Number of Domestic Animals Permitted. No more than six cats and/or dogs of licensing age shall be kept, maintained or harbored at one time in any residential housing unit or on its grounds or in any business establishment or on its grounds. This restriction shall not apply to properly licensed kennels, pet shops, pounds and shelters. This provision on the number of animals shall not apply to instances where the animal that is properly licensed gives birth and the ACO may grant exemption for a period of time to enable the kitten or puppy to be cared by its mother until able to be released.

5-7 Enforcement Authority

- a. The Borough Council shall appoint a suitable person as Animal Control Officer or licensed Animal Welfare Agency for the Borough and such assistants as from time to time may be necessary, who shall possess and exercise the power and the authority described in this chapter. Such Animal Control Officer or Agency shall be paid compensation as the Borough Council shall deem suitable and proper.

- b. No person shall hinder, molest or interface with anyone authorized or empowered to perform any duty under this chapter.

- c. The hindering of the enforcement of this chapter by the Animal Control Officer shall be subject to a summons issued by the Animal Control Officer to the property owner of the property, or owner of the animal, and may be returnable as an ordinance violation in Municipal Court for hindering the exercise of its authority to control and protect animals by the Animal Control Officer. Upon conviction of the Ordinance, the fine to be imposed

shall be no less than \$50.00 for a first offense and no greater than \$200.00 for a second offense, and be subject to enhanced fines for a third or subsequent offense at the discretion of the Municipal Court Judge, not to exceed \$1,250.00 for repeated subsequent offenses to deter the conduct prescribed in this Section.

BE IT FURTHER ORDAINED, any Ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies only.

BE IT FURTHER ORDAINED, if any provisions of this Ordinance, or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance, which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED, this Ordinance shall take effect immediately upon following the passage, adoption and publication pursuant to New Jersey State law.