

Ordinance

No. 8-2018

ORDINANCE AMENDING CHAPTER 91, ANIMALS, IN THE CODE OF THE BOROUGH OF WESTVILLE

BE IT ORDAINED by the Borough Council of the Borough of Westville, County of Gloucester, and State of New Jersey amending Chapter 91, Animals, in the Code of the Borough of Westville, as follows:

Section 1. SECTION 91-4 Fees

- A. Retained in its Entirety;
- B. Retained in its Entirety;
- C. A late fee of \$15 shall be charged for each license not applied for by March 31 of each calendar year. A noncompliance fee of \$50 shall be charged for each cat or dog found to be unlicensed

Section 2. SECTION 91-23 Potentially Dangerous Dogs

- A. If the municipal court declares any dog to be potentially dangerous, it shall issue an order and a schedule for compliance which, in part:
 - 1. Shall require the owner to comply with the following conditions:
 - a. To apply, at his own expense, to the municipal clerk or other official designated to license dogs pursuant to § 2 of P.L. 1941, c. 151 (N.J.S.A. 4:19-15.2), for a special municipal potentially dangerous dog license, municipal registration number, and red identification tag issued pursuant to § 14 of this act. The owner shall, at his own expense, have the registration number tattooed upon the dog in a prominent location. A potentially dangerous dog shall be impounded until the owner obtains a municipal potentially dangerous dog license, municipal registration number, and red identification tag;
 - b. To display, in a conspicuous manner, a sign on his premises warning that a potentially dangerous dog is on the premises. The sign shall be visible and legible from 50 feet of the enclosure required pursuant to Subsection A(2) of this section;

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2. To immediately erect and maintain an enclosure for the potentially dangerous dog on the property where the potentially dangerous dog will be kept and maintained, which has sound sides, top and bottom to prevent the potentially dangerous dog from escaping by climbing, jumping or digging and within a fence of at least six feet in height separated by at least three feet from the confined area. The owner of a potentially dangerous dog shall securely lock the enclosure to prevent the entry of the general public and to preclude any release or escape of a potentially dangerous dog by an unknowing child or other person. All potentially dangerous dogs shall be confined in the enclosure or, if taken out of the enclosure, securely muzzled and restrained with a tether approved by the animal control officer and having a minimum tensile strength sufficiently in excess of that required to restrict the potentially dangerous dog's movements to a radius of no more than three feet from the owner and under the direct supervision of the owner.
 3. May require the owner to maintain liability insurance in an amount determined by the municipal court to cover any damage or injury caused by the potentially dangerous dog. The liability insurance, which may be separate from any other homeowner policy, shall contain a provision requiring the municipality in which the owner resides to be named as an additional insured for the sole purpose of being notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.
- B. Appeal of decision. The owner of the dog, or the animal control officer for the municipality in which the dog was impounded, may appeal any final decision, order, or judgment, including any conditions attached thereto, of a municipal court pursuant to P.L.1989, c. 307 (N.J.S.A. 4:19-17 et seq.) by filing an appeal with the Superior Court, Law Division, in accordance with the Rules Governing The Courts of the State of New Jersey pertaining to appeals from courts of limited jurisdiction. The Superior Court shall hear the appeal by conducting a hearing de novo in the manner established by those rules for appeals from courts of limited jurisdiction.

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Section 3. Repealer:

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

Section 4. Severability:

Each section of this Ordinance is an independent section, and the holding of any section or part thereof to be unconstitutional, void or ineffective, shall not be deemed to affect the validity or constitutionality of any other sections or parts hereof.

Section 5. Effective date:

This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

Introduced: May 31, 2018

Adopted:

BOROUGH OF WESTVILLE

**Russell W. Welsh, Jr.
MAYOR**

ATTEST:

**Kathleen Carroll
DEPUTY MUNICIPAL CLERK**